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"DEMOCRACY" IN CLASSICAL RESEARCH.

In his review of the 74th volume of the *Transactions of the American Philological Association* in this Journal (LXVI [1945], pp. 330 ff.) Dr. Antony E. Raubitschek has made the suggestion that "no paper should be printed (in the *T. A. P. A.*) which did not serve or could not have served as the manuscript for a lecture of twenty minutes." As a reason for the adoption of this principle he points to "the democratic character of the American Philological Association," from which in his opinion it follows that it must "give every member a chance to present a paper and see it afterwards published."

This argument seems to imply a concept of democracy more worthy of a Procrustes than of a citizen of Periclean Athens (cf. Thucydides, II, 37), and it is not very likely that the American Philological Association agrees with Dr. Raubitschek's views. But one must be grateful to him for having drawn attention to a problem the solution of which is of very great importance for the future of classical studies in this country.

Before the adoption of a more liberal policy by the *T. A. P. A.* under the very able editorship of Professor Broughton, it was impossible for a classicist not belonging to Yale, Harvard, or the University of California, to get a scholarly article of more than *ca.* 36 pages and less than book size printed anywhere in this country without having it split into two parts. For our two journals devoted to classical research and open to all scholars, *A. J. P.* and *C. P.*, are inevitably prevented from printing longer articles in one piece by the limited size of their quarterly issues. Or, if for once an exception was made, the article

had to be artificially reduced in size by printing it partly in extremely small type, as was the case with one of the best and most important articles that has been published in our field in recent years, an article of the greatest interest far beyond the classical field, J. A. O. Larsen's "Representation and Democracy in Hellenistic Federalism" in *C. P.*, XL (1944). Yet even this article was of rather moderate size and would hardly have occupied much more than 50 pages in the *T. A. P. A.* Since it is practically impossible to have a treatise of less than 100 pages printed as a book, there has been no possibility whatever of publishing anywhere or in any form an article of more than *ca.* 50 pages and less than 100. If Dr. Raubitschek's suggestion were followed the possibility of publishing even articles of 20 to 40 pages would be further reduced to a minimum.

The length of an article is not entirely unrelated to its content. Occasionally, no doubt, it is possible to give in an article of less than 20 pages a well-rounded and thorough discussion of a subject of somewhat wider interest. Some brilliant examples of recent date could be quoted as incontestable evidence. But such occasions are naturally rather rare. In the overwhelming majority of cases a short article, if it is to be precise and scholarly, will naturally deal with a small and specialized subject. One thing that has done great harm to the appreciation of the classics in the last few decades is the widespread belief that most classicists have become so much concerned with small details that they have lost all understanding of the great and important problems in ancient literature, philosophy, and history. This criticism must not prevent us from engaging in the most specialized studies. For any grammatical detail that may help to a better understanding of one of the great works of literature and any little ostrakon that may help us to reconstruct ancient economic or political history are certainly worthy of the most minute attention. But if we forget the end for the means the criticism becomes justified.

The problem cannot be solved by encouraging scholars to write a book whenever they wish to deal with a somewhat more comprehensive subject. In the field of Greek and Roman history, for instance, we have already a good number of excellent comprehensive works. Yet there is no section of ancient history to which new and interesting contributions could not be made.

But the material and the literature to be consulted and digested in any such attempt have become so enormous that it is increasingly beyond the power of one man—except perhaps some of the greatest and most mature scholars—to rework even a large section of this history on the basis of a minute analysis of all the available evidence. It is not beyond the power of even a younger scholar to write a new chapter of ancient history, nor will it be beyond the power of a future scholar to write an entirely new history if he can make use of the results of those who have tried to write new chapters of it. Are we then to be deprived of all this because single chapters cannot be published? Or is everyone who can write a new chapter of Greek or Roman history to be compelled to write one of those tedious works in which four-fifths or nine-tenths are secondhand and only one-tenth new and interesting? In the present situation articles dealing with questions of wider interest and yet based on the most methodical analysis of all the available evidence are more necessary than ever in order to keep the classics alive. If this is so, there must also be a possibility of publishing such articles.

There is, of course, one strong argument in favor of very "democratic" principles of publication. This is the natural and justifiable desire of young scholars to make themselves known to their fellow-classicists so that they may secure a teaching position. But the problems arising from this natural desire can hardly be met by mechanically cutting down all published articles to a size of less than 17 pages. The number of positions available for young classicists increases or decreases with the general interest in the classics. The chances of young classicists will not, therefore, be increased if nothing but the shortest articles on minute questions of detail can be published. In this respect, in fact, a more mature scholar who publishes an article attracting wider interest does not deprive a young classicist of his chance but helps him indirectly.

Above all, however, we would do a disservice to young scholars if we were to give them the impression that all they needed for a career was to publish as many articles on small specialized subjects as possible. In recent years I have had occasion, not only in my own university, to see what principles are followed in the choice of classicists for university positions. Again and again I have found that men who had written a great number of often

excellent articles on questions of detail were nevertheless rejected because it was said that these articles, though they might show that their authors were excellent specialists, gave no guaranty that the scholars who had written them could give their students a lively and penetrating account of ancient history and literature in their major aspects. Though the application of this principle may have been unjust in individual cases, the principle itself is undoubtedly sound. It follows that a young scholar who, if he has the ability, concentrates on the elaboration, within say three years, of one major article of wider interest will have a better chance of finding a satisfactory position than if he published three minute articles every year; and rightly so.

If the suggestion contained in these remarks were followed this might perhaps relieve to some extent the urgent demand for the publication of an excessive number of short articles and so contribute to a solution of the problem. But it seems pertinent to consider all possibilities. During the war years from 1942 to 1945 there really was no problem, and there can hardly be any doubt that Professor Broughton has taken the right step and should be congratulated for his courageous decision to deviate from established practice. For the slender size of the volumes of the *T. A. P. A.* published in those years, together with the excellent state of the finances of the American Philological Association as revealed by the reports of the treasurer, seems to indicate clearly that in those years no article was rejected because there was no room for it. Whether one or another of the rejected articles might not have been worthy of being printed is an entirely different question. There will inevitably always be room for disagreement concerning the value of an article, and it might be worth considering whether an article rejected by one referee should not always be submitted to a second referee in order to eliminate, as far as possible, all personal prejudice. But acceptance or rejection cannot be determined automatically by the length of an article if the *T. A. P. A.* are to retain their present high level. The same principle of quality also requires, of course, that the length of an article be in strict proportion to its actual content and that the editor have the right to ask an author to cut down his article and to eliminate unnecessary details or unduly longwinded discussions, if he wishes to have it published.

In spite of all this, if, as we all hope, there will be a great resurgence of classical research now that the war is over, the problem of publishing all the articles worthy of publication may still become very pressing if the narrower limitations in regard to their size should be permanently abandoned. It is then perhaps permissible to suggest that the directors of the American Philological Association should discuss the ways and means by which such an emergency can be met if it should arise, either by an increase in the size of the *Transactions* or possibly by issuing them in two sections, in the way in which this is done by the American Historical Association. Even an increase of the membership fees from \$4 to \$5 in order to meet the additional expense might not be beyond consideration, especially if one considers the fact that most of the learned societies in this country have membership fees of \$5 or more. But if this does not seem advisable a stricter selection according to quality would certainly be more in the true interest of the classics than a mechanical reduction in the length of all articles.

While there can be hardly any doubt that restriction of the size of all papers to be published in the *T. A. P. A.* to less than 17 pages would be highly detrimental, the custom of limiting the length of the papers presented at the annual meeting of the American Philological Association to 20 minutes or less in order to give many young scholars an opportunity of making themselves known to their colleagues has unquestionably certain advantages. For the delivery of a lecture and the art of presenting a subject orally to an audience can be judged adequately even where the subject is of very limited scope. Nevertheless it is perhaps worth considering whether a slight deviation from the established practice would not have even greater advantages. The American Historical Association prefers short papers of 20 minutes or less but does not enforce this as an absolute limit for all papers, as the American Philological Association does. The American Political Science Association prefers 40 minute papers, each of which is followed by a discussion period of 15 to 20 minutes. This makes it necessary to have several papers presented at the same time, so that the members cannot always attend all the lectures that they would like to hear. The wider scope of the papers and the discussion that follows them, on the other hand, facilitate intense participation by the audience, the

like of which is hardly possible where very short papers on the most diverse subjects follow one another without interruption. Both the associations mentioned try to arrange the papers in groups so that the lectures of each group center in one larger problem. This was also done by the American Philological Association some years ago when three very interesting papers on the origin of the Greek alphabet were presented in one morning. Another step in the same direction was taken in 1945 by the presentation of three lectures on the future of the classics, the future of epigraphy, and the future of paleography at the joint evening session. This kind of arrangement makes it much easier for the audience to follow each paper with close attention.

There is no reason why the American Philological Association should slavishly imitate the practice of the American Historical Association or the American Political Science Association. The fact alone that it has a much smaller membership than either of these associations makes such a course impracticable. But there are various ways in which a compromise could be found. It is very probable that the meetings would arouse greater interest among non-classicists if, for instance, one day of the annual meeting were set aside for the presentation of papers of wider scope. But the solution of this problem is much less vital for the future of the classics than the publication of substantial articles of wider interest.

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THE QUOTATIONS FROM AELIUS ARISTEIDES IN OLYMPIODORUS' COMMENTARY ON PLATO'S *GORGIAS*.

When I began to lay the foundations for a new critical edition of those discourses of Aelius Aristeides which are not contained in the incomplete edition of Bruno Keil¹ and of the scholia on the discourses, it was my intention to examine carefully the commentary on Plato's *Gorgias* which goes back to the lectures delivered by the Neo-Platonic philosopher Olympiodorus. Since, in this commentary, Olympiodorus refers to Aristeides and his Platonic discourses several times, the editor of Aristeides cannot overlook it but must consider it a source of indirect tradition. At that time there was available only the *editio princeps* of 1848 which was published by the Swiss scholar Albert Jahn.² He based the text upon a recent manuscript of Basel (F II 1 b) which belongs to the 16th century and followed it almost slavishly. He contented himself with correcting a few evident mistakes and corruptions, with establishing the fact that several other passages must be considered corrupt, and with adding some notes, most of which are no longer helpful to modern scholars. Since this edition appeared to be unfit for examining quotations from and references to other authors, I decided to leave the passages of Aristeides for the time being unidentified and to wait until a new edition appeared which might better deserve to be called critical. In 1936 the Danish scholar William Norvin published a new text of the commentary in the Bibliotheca Teubneriana. Unfortunately this edition is no less inadequate, in some respects it is even much worse,³ although Norvin was in a position to use the *Marcianus graecus* 196, a late 9th or early 10th century manuscript, on which all the other extant manuscripts are supposed to be dependent.⁴ He used it, however, quite

¹ *Aelii Aristidis Smyrnaei quae supersunt omnia*, ed. Bruno Keil (Vol. II, Orations XVII-LIII; Berlin, 1898).

² *Neue Jahrb.*, Suppl. XIV, pp. 104 ff., 236 ff., 354 ff., 517 ff.

³ For details see the reviews of P. Maas, *Byz. Zeit.*, XXXVII (1937), pp. 181-4, and R. Beutler, *Gnomon*, XIV (1938), pp. 318-22. Both of them were entirely right in criticizing the edition severely.

⁴ Some details about this MS are given by Norvin in the edition of Olympiodorus' commentary on Plato's *Phaedo* (Leipzig, 1913), pp. v ff.

uncritically and was guilty of so many errors that both reviewers required many pages for correcting only the most important ones. In spite of the evident inadequacy of this edition I cannot postpone any longer the discussion of those passages of the commentary in which Olympiodorus refers to Aristeides.

Under these circumstances it seems best to combine with the interpretation of these passages an examination of the references which Norvin gives in the *apparatus criticus* and the *Index locorum*, p. 249. It will appear that most of these references need important corrections, and that some cannot be made without careful interpretation of the words of Olympiodorus. In my discussion I have followed the order in which the passages are listed by Norvin in the *Index locorum*. In the first three cases he does not make any attempt to identify the passages of Aristeides to which Olympiodorus refers, and suggests that they are vague and general references. Then there follow eight passages which the editor refers to specific passages of the Platonic discourses. As the text of Olympiodorus is not easily accessible to every reader of this paper, I deemed it suitable to quote the text of the several passages of the commentary at greater length.⁵

I. P. 192, 3-13 (on *Gorg.* 515 C)

ἐπεὶ οὖν ταῦτα οὕτως εἴρηται, ἀποροῦσί τινες πρὸς τὰ εἰρημένα· πρῶτον μὲν περὶ Σωκράτους, ὅτι πῶς οὖν αὐτὸς οὐκ ἠδυνήθη μετακοσμήσαι Ἀλκιβιάδην καὶ Κριτίαν; ἔπειτα δὲ καὶ τοῦτο ἀποροῦσιν, ὅτι, εἰ διὰ τὸ ἀχαριστηθῆναι καὶ παθεῖν κακῶς οὐκ ἦσαν πολιτικοί, οὐδὲ Σωκράτης ἦν πολιτικός, ἐπειδὴ καὶ αὐτὸς ἀνηρέθη. ἀποροῦσι δὲ καὶ πρὸς Πλάτωνα, ὅτι πῶς τὸν Διονύσιον τὸν τύραννον οὐκ ἠδυνήθη πείσαι; πρὸς δὲ τούτοις καὶ περὶ Ἀριστοτέλους λέγουσιν, ὅτι καὶ αὐτὸς διεφώνησε πρὸς Πλάτωνα, ὅθεν ἐβουλήθη, ὥς φησιν Ἀριστρίδης, καὶ ἐπιτελίσσαι τὸ Λύκ<ε>ιον καὶ ἕτερα δόγματα εἰσαγαγεῖν. ταῦτά ἐστι τὰ ἀπορούμενα.

ἀποροῦσί τινες: *τινες* does not mean several authors. The plural of the indefinite pronoun is usual in the terminology of grammarians and scholiasts, who are fond of referring to one author

⁵ As it is not within the scope of this paper to offer a complete commentary on the passages which I have quoted from Olympiodorus, I cannot discuss some peculiarities of style, such as μετακοσμήσαι Ἀλκιβιάδην and ἀχαριστηθῆναι, unless they are important for a better understanding of the relations between Olympiodorus and Aristeides.

or source by λέγουσί τινες or τινὲς λέγουσι. Thus Olympiodorus refers only to Aristeides, 'Υπ. τῶν δ', II, 322, 21 ff. Dindorf: ἀλλὰ κατηγοροῦσι μὲν Κριτίου τοῦ Καλλαίσχρον, κατηγοροῦσι δὲ Ἀλκιβιάδου τοῦ Κλεινίου τῇ τε πόλει τὰ αἰσχιστα βουλεύσασθαι καὶ τὸν ἄλλον βίον ἥκιστα βιώναι κατὰ Σωκράτην. It is very characteristic of the hostile attitude of Olympiodorus toward Aristeides that he fails to inform his audience of Aristeides' flat denial of agreement with those who make Socrates responsible for the misconduct of his pupils, for Aristeides continues: ἄρ' οὖν τούτου γε ἔνεκα ἡδίκηκε Σωκράτης, ἣ διὰ τὴν ἐκείνου⁶ κακίαν κακὸς αὐτὸς ἦν; ἐγὼ μὲν οὐκ οἶμαι.⁷

ἀποροῦσιν: The second ἀποροῦσιν is more difficult than the first one. Since Olympiodorus refers in the whole paragraph, 192, 3-13, to at least three different passages of Aristeides, as will appear below, it is probable that he did not insert between these references an ἀπορία which he took from a different source. Immediately after the passage 322, 21 ff. which I have just quoted, Aristeides deals with Socrates at greater length and points out (up to 324, 17) that none of the four,—Themistocles, Pericles, Miltiades, and Cimon—nor Socrates is to be criticized for mistakes made by others. It is not Socrates' fault that his former pupil Critias forbade him to have further intercourse with young men. Olympiodorus, however, refers to the doubts of some people who wonder whether Socrates may be supposed to have been a πολιτικός, because he was killed (ἀνιρέθη) by those whom he tried to correct, if analogously Pericles and the others were not πολιτικοί, because they were ill-treated by the Athenians. In spite of this difference between Olympiodorus and Aristeides I do not think that Olympiodorus took this ἀπορία from some other source; I suggest rather that Olympiodorus replaced the less known punishment imposed upon Socrates by Critias by the well-known death sentence. Should this prove true, it would follow that the allusion to Aristeides by Olympiodorus is not very exact.

⁶ V. l. ἐκείνων.

⁷ By the way: Olympiodorus comes back to Critias (p. 193, 5 ff. Norvin): ὁ δὲ Κριτίας εἰς ἣν τῶν τριάκοντα ἀρχόντων, καὶ ἐπειδὴ αἰεὶ ἐπέπληττεν αὐτοῖς, διὰ τοῦτο ἐσυκοφάντησαν αὐτὸν καὶ πρὸς θάνατον δέδωκαν. P. Maas, *loc. cit.*, p. 182, calls this remark inconsiderate. He was not, however, aware that Olympiodorus confused Critias and Theramenes. The correct explanation of this passage was given by J. Geffcken, *Hermes*, LXIV (1929), p. 107, n. 8.

The third ἀποροῦσι refers to Aristeides in any case. The relations between Plato and Dionysius are discussed by him (II, 304 ff. Dindorf) and referred to II, 324, 20 ff., that is to say after the passage in which the parallel is drawn between the fate of Socrates and the experiences of "the four men." Therefore Norvin was wrong in listing⁸ this passage among the general references.

πρὸς δὲ τούτοις καὶ περὶ Ἀριστοτέλους λέγουσιν: Norvin, inserting in his text <οἱ> before περὶ Ἀριστοτέλους, has destroyed the sense of the whole passage, which is sound.⁹ The plural λέγουσιν again refers to Aristeides only, who says (II, 324, 18 ff. Dindorf) that when Plato made his third trip to Sicily, τότε τῶν ἐταίρων τινὲς αὐτοῦ καὶ τῶν εἰς τὰ μάλιστα ὁμιληκόντων ὑπολειφθέντες οἴκοι νεώτερα ἐβουλεύσαντο. The scholia on this passage are right in saying that Aristeides refers to Aristotle.

ὥς φησιν Ἀριστείδης: Only at the end of the whole paragraph which deals with Aristeides does Olympiodorus name him and make it clear to his audience that he has referred to him throughout. Although the words ὥς φησιν Ἀριστείδης seem to indicate that he cites a certain passage of Aristeides, it is not a real quotation but rather a loose paraphrase. Aristotle is supposed to have planned to set up the Λύκειον¹⁰ as a kind of citadel against Plato. Olympiodorus coined this expression ἐπιτειχίσαι τὸ Λύκειον following the example given by Aristeides, Ὑπ. τῶν δ', II, 325, 19 Dindorf: καὶ εἰ μὴ Χαβρίας καὶ Ἰφικράτης . . . αἰσθόμενοι τὰ γινόμενα ἠγανάκτησαν καὶ τὸ ἐπιτειχίσμα (sc. τὸ Λύκειον) διέσπασαν. Obviously Olympiodorus felt that it was necessary to name Aristeides in this passage, because a merely anonymous reference would have gone beyond the boundaries of honest μίμησις. It is very unlikely that his audience and readers were

⁸ In the *Index locorum*, p. 249.

⁹ Later I observed that P. Maas, *loc. cit.*, p. 182, had restored the correct text of this passage.

¹⁰ Norvin writes Λύκειον, following the pronunciation usual in the time of Olympiodorus and the spelling of the manuscript. It is a methodological question whether or not it is advisable to change the classical spelling of proper names like this to accord with more recent usage. On p. 139, 23 and elsewhere Norvin writes Πυθαγόριοι. Perhaps it is better to call the attention of modern readers to spellings like these in the preface instead of adopting them silently in a text which deals with classical topics. I concur in this opinion with P. Maas, *loc. cit.*, p. 182.

sufficiently versed in this subject to remember the exact words of Aristeides.

II. Pp. 197, 21-198, 12 (on *Gorg.* 515 C)

ἐπειδὴ λείπει τι τοῖς ἤδη εἰρημένοις, δεῖ καὶ κείνο προσθεῖναι περὶ Πλάτωνος. γεγόνασι ῥήτορες θαυμαστοὶ Ἰσοκράτης καὶ Δημοσθένης καὶ Λυκούργος. ἀλλ' ὁ μὲν Ἰσοκράτης ισόχρονος αὐτῷ, ὁ δὲ Δημοσθένης καὶ ὁ Λυκούργος μαθηταὶ αὐτοῦ. εἰ τοίνυν Δημοσθένης ἐπαινῇ τὸν Πλάτωνα, πῶς δεῖ πείθεσθαι τοῖς φληνάφοις Ἀριστείδου; ὁ γὰρ Δημοσθένης γράφων πρὸς Ἡρακλέωδον τινα ἀκροασάμενον ἐπ' ὀλίγον Πλάτωνος, εἴτα ἀτυχῶς φερόμενον καὶ καταφρονήσαντα τῶν λόγων ἐπιπλήττει αὐτῷ καὶ λέγει, ὅτι οὐκ αἰσχρὴν παιδείας καταφρονήσας καὶ λόγων, ὧν Πλάτωνος ἡκροάσω; καὶ πάλιν ὁ Φιλίσκος τὸν βίον γράφων τοῦ Λυκούργου φησὶν, ὅτι μέγας γέγονε Λυκούργος καὶ πολλὰ κατώρθωσεν, ἃ οὐκ ἔστι δυνατόν κατορθῶσαι τὸν μὴ ἀκροασάμενον τῶν λόγων Πλάτωνος. δεῖ δὲ καὶ τὸ χαρίεν εἰπεῖν, ὃ ἔφη τις φιλόσοφος, ὅτι ἑαυτῷ ἐναντιούμενος ὁ Ἀριστείδης οὐκ οἶδεν. εἰ γὰρ αὐτὸς ὁ Ἀριστείδης Ἑρμοῦ τύπον ἔφη τὸν Δημοσθένην, ὁ δὲ Δημοσθένης ἐπαινῇ Πλάτωνα, πολλῶι πλεον Πλάτων θείος. λόγος τοίνυν, ὅτι ὁ Δημοσθένης ἡκροᾷτο Πλάτωνος καὶ τὴν φράσιν ἐπὶναι, εἴτα ἐταῖρός τις παρέσχεν αὐτῷ κόνδυλον ὥς μὴ προσέχοντι τοῖς θεωρήμασι. ταῦτα μὲν οὖν περὶ Πλάτωνος.

Δημοσθένης καὶ Λυκούργος μαθηταὶ αὐτοῦ: cf. Plutarch, *Dem.*, 5, 7: Ἑρμιππος δὲ φησιν ἀδεσπότοις ὑπομνήμασιν ἐντυχεῖν, ἐν οἷς ἐγγεγραπτο τὸν Δημοσθένην συνεσχολακῆναι τῷ Πλάτῳ καὶ πλεῖστον εἰς τοὺς λόγους ὠφελῆσθαι. Diogenes Laertius, III, 46 offers a list of Plato's pupils and those who attended his lectures more occasionally. It reads as follows: καὶ Ὑπερίδην τὸν ῥήτορα Χαμαιλέων φησὶ καὶ Λυκούργον. ὁμοίως Πολέμων ἱστορεῖ. καὶ Δημοσθένην Σαβίνος¹¹ λέγει Μνησιστρατον Θάσιον παρατιθέμενος ἐν 8^ῳ Μελετητικῆς ὕλης. καὶ εἰκὸς ἐστὶ. Ps.-Plutarch, *Vit. X Or.*, 844 B: ζηλῶν Θεουκιδίδην καὶ Πλάτωνα τὸν φιλόσοφον, ὧς τινες εἶπον προηγουμένως αὐτὸν σχολάσαι. Schol. Plato, *Phaedr.* 261 A: ὡς Περικλῆς Ἀναξαγόρου, ὡς Δημοσθένης Πλάτωνος γεγονότες μαθηταί. Suidas, s. v. Δημοσθένης, who quotes Hermippus at the beginning of his article: διηκροώσατο δὲ καὶ Εὐβουλίδου τοῦ διαλεκτικοῦ καὶ Πλάτωνος. No one considers these testimonies trustworthy.

¹¹ T. Thalheim, *R.-E.*, V, col. 170, 59, erroneously refers to Polemo instead of to Sabinus. He did not heed the period after ἱστορεῖ. The reference to Polemo pertains to Hyperides and Lyeurgus only.

Δημοσθένης ἐπαινεί τὸν Πλάτωνα: Demosthenes (?) in the fifth letter.

λέγει does not introduce a quotation from the letter but a very vague paraphrase.

καὶ πάλιν: cf. Ps.-Plutarch, *Vit. X Or.*, 841.

τις φιλόσοφος: The possibility cannot be excluded that the critique of Aristeides, who is supposed to contradict himself unconsciously, goes back to Olympiodorus himself, who pretends to refer to some philosopher for the sake of greater authority. As it cannot be denied, however, that the reference is true, it is impossible to determine with the help of the available material from which source Olympiodorus took that reproach, perhaps from the long treatise in seven books which the Neo-Platonic philosopher Porphyrius¹² wrote against the discourse Ὑπὲρ τῶν δ'.

Ἑρμοῦ τύπον: Aristeides, Ὑπ. τῶν δ', II, 398, 1 Dindorf, inveighs vehemently against some philosophers who ventured to criticize Demosthenes, ὃν ἐγὼ φαίην ἂν Ἑρμοῦ τινος λογίου τύπον εἰς ἀνθρώπους κατελθεῖν.¹³ Norvin is wrong again in listing the reference to Aristeides in Olympiodorus as a general one. The same passage of Aristeides is also referred to by Olympiodorus in the commentary on Plato's (?) *Alcibiades I* (II, p. 190 Creuzer).¹⁴ Here it reads as follows: καὶ Ἀριστείδης περὶ Δημοσθένους τοῦ ῥήτορος, ὅτι Ἑρμοῦ λογίου τύπος ἦν, εἰς ἀνθρώπους ἐλθόν. ἐγὼ δὲ φαίην ἂν εὐκαιρότερον περὶ Σωκράτους τοῦτο. This parallel also has escaped Norvin's attention. No one seems to have observed another striking agreement, which is so noteworthy that it must be considered here. In his seventh discourse Πρὸς Ἡράκλειον κυνικόν, 237 C (p. 307, 20 Hertlein) the emperor Julian calls Aristotle τὸν τοῦ λογίου τύπον Ἑρμοῦ. Since it is not very probable that Julian independently coined this expression which is very close to Δημοσθένης Ἑρμοῦ λογίου τύπος, we must assume that he took it either from Aristeides or from one of the Neo-Platonic treatises upon which he based his discourse. These sources cannot be

¹² Cf. Suidas, s. v. Πορφύριος and Christ-Schmid-Stählin, II, 2^a, p. 545, 7.

¹³ It is evident that Aristeides refers to a passage of his previous discourse, Ὑπὲρ ῥητορικῆς, where he says in the myth, II, 135, 1 ff. Dindorf, ὁ δὲ Ζεὺς . . . τῶν αὐτοῦ παίδων Ἑρμῇ κελεύει ῥητορικὴν ἔχοντα ἐλθεῖν εἰς ἀνθρώπους.

¹⁴ *Initia philos. ac theol. ex Platonicis fontibus ducta* (Frankfurt a. M., 1820).

determined precisely, in spite of the attempt made by R. Asmus to reconstruct a commentary on the dialogue *Alcibiades* I by the Neo-Platonist Iamblichus and to claim it for Julian's main source.¹⁵ Although we learn from Olympiodorus that the passage of Aristeides was well known to Neo-Platonic circles, there is no possibility of proof that the words of Aristeides were ever quoted by Iamblichus and taken out of his (hypothetical) commentary by both Olympiodorus and Julian. The decisive reason for denying this possibility in the case of Olympiodorus is that all the other quotations from Aristeides and references to him suggest that Olympiodorus had a fairly good first-hand knowledge of Aristeides' orations, at least of the Platonic discourses. Furthermore, so far as Julian is concerned, it is easy to prove that there are close relations between those treatises which he based upon Neo-Platonic sources (viz. Or. VI [*Εἰς τοὺς ἀπαιδεύτους κύνας*], VII [*Πρὸς Ἡράκλειον κυνικόν*], and *Misopogon*, and others too which are not influenced by those sources to the same extent) and the Platonic discourses of Aristeides. Immediately after Julian has called Aristotle τὸν τοῦ λογίου τύπον Ἑρμοῦ he continues¹⁶ with <τὸν τῷ Ἀπόλλ>ωνι καὶ ταῖς Μούσαις φίλον. We must compare these words with the beginning of Or. IV (*Εἰς τὸν βασιλέα Ἥλιον*), 132 A (p. 170, 19 f. Hertlein): ἀλλ' ἔμοιγε τούτου παρασταίῃ βοηθὸς ὃ τε λόγιος Ἑρμῆς ξὺν ταῖς Μούσαις ὃ τε μουσηγέτης Ἀπόλλων, and must remember that Aristeides at the beginning of Ὑπ. ῥήτ., II, 5, 25 f. Dindorf,¹⁷ invokes the same gods and goddesses, asking them to help him in his daring attempt to refute Plato: καλῶ δ' ἐπὶ τούτοι τῷ τολμήματι καὶ Ἑρμῆν λόγιον καὶ Ἀπόλλωνα μουσηγέτην καὶ Μούσας πάσας ἡγεμόνας γενέσθαι. The comparison between both passages of Julian and the parallel passage in Aristeides leads to the conclusion that the emperor was familiar with the works of Aristeides and had a direct knowledge of the discourses from his own reading. The same is true of

¹⁵ R. Asmus, *Der Alkibiades-Kommentar des Iamblichos als Hauptquelle für Kaiser Julian*, Sitzb. Heidelb. Akad., 1917, 3. Abh.; for details see my paper "Ἔθος Δευτέρῃ Φύσις" in *T. A. P. A.*, LXXIII (1942), p. 226.

¹⁶ Although there is a lacuna in the MSS there is no doubt about the correct supplement which was made by Spanheim and Cobet almost identically.

¹⁷ Aristeides quotes his own words in *Πρὸς Καπίωνα*, II, 435, 7 f. Dindorf.

the other passage about Aristotle where he was also inspired by Aristides. Neither Julian nor Olympiodorus applied to any intermediary when they wished to make use of Aristides for their different purposes.

θεῖος. λόγος τοίνυν: after *θεῖος* we must replace the colon by a period. The colon does not separate both sentences sharply enough, nor does it make sense at all. Indeed, this separation is necessary because the reader must learn at the first glance that the sentence *λόγος τοίνυν . . . θεωρήμασι* no longer belongs to the polemic against Aristides. It is hard to say where Olympiodorus picked up this silly invention. It sounds like one of the many stories about Demosthenes, the compilation of which must be attributed to the gossip Hermippus,¹⁸ and it seems a plausible hypothesis that this story was invented following the model of the notorious box on the ear which Demosthenes was given by Midias.

- III. P. 201, 15-18 ¹⁹ (on *Gorg.* 517 A: οὐδὲ τῇ κολακικῇ; οὔτε, the MSS of Plato. The variant reading is not mentioned by Burnet)

ἰδὸν ἄντικρυς βοᾷ, ὅτι οὐκ ἦσαν κόλακες. μάτην οὖν αὐτὸν συκοφαντεῖ ὁ Ἀριστείδης, πλὴν καὶ ὁ Ἀριστείδης γυμνάσασθαι ἠθέλησεν, ἀλλ' ἐπὶ ἀτυχεῖ ὑποθέσει δυσφημῶν κατὰ τηλικούτου ἀνδρός.

Norvin is right in stating that this is a general reference to Aristides. It does not need explanation. The meaning is that Aristides did not choose adequate topics for his exercises. It is not becoming in a declaimer to criticize a great man.

- IV. P. 179, 2-25 (on *Gorg.* 511 B)

If the pilot saves a man who suffers from *πάθη ψυχικά* he does not render him a great service, ἔδει γὰρ αὐτὸν μᾶλλον ἀποθανεῖν.

¹⁸ Cf. p. 107, above.

¹⁹ On the same page (201, 8) there is a scholium which M has on the margin. It refers to Plato's words (516 A) καὶ εἰ μὴ διὰ τὸν πρύτανιν, and to Olympiodorus who says ὁ γὰρ πρύτανις ἔσωσεν αὐτόν. The last sentence of the scholium is corrupt; it is, however, very easy to emend the text. It reads as follows: καὶ πρυτανεύουσιν ἐκ διαδοχῆς, κατὰ πρυτανείαν διοικοῦντας τὰ τῆς βουλῆς. It goes without saying that we must replace διοικοῦντας by διοικούντες. It is hard to believe that M wrote the accusative. Although κατὰ πρυτανείας would be more idiomatic, there is no urgent reason for changing the singular to the plural.

ὥστε οὖν δεῖ καταφρονεῖν θανάτου καὶ πανταχοῦ ἕνα σκοπὸν ἔχειν, τὸ ὠφελεῖν τὴν ψυχὴν. ταῦτα μὲν οὖν καλῶς εἴρηται. ὁ δὲ ἀντιλογικὸς καὶ μακρὸς φλήναφος ὁ Ἀριστείδης παραλογίζεται ἑαυτὸν ἐν τούτοις, οὐδὲ γὰρ τὸν Σωκράτην, καὶ φησιν, ὅτι οὐκοῦν καὶ τὰ χρήματα κάκιστά ἐστι σώζοντα ἡμᾶς ἀπὸ θανάτου καὶ τὰ ἀναγκαῖα παρέχοντα καὶ ἡ σωματικὴ ὑγίεια, καὶ πρὸς τούτοις ἀχαριστήσωμεν τοῖς θεοῖς, ὅτι γε δὴ τὸ εἶναι ἡμῖν ἐχαρίσαντο καὶ σώζουσιν ἡμᾶς; λέγομεν τοίνυν, ὅτι οὐκ οἶδεν ὁ Ἀριστείδης τὴν φύσιν τῶν πραγμάτων. διάφορα γὰρ μέτρα ἐστὶ τῶν ἀγαθῶν· ἔστιν γὰρ ἀγαθὸν ἐν πλούτῳ, ἔστιν ἀγαθὸν ἐν σώματι, ἔστιν ἀγαθὸν καὶ ἐν ψυχῇ. καλὸν τοίνυν πᾶσιν ἐπ' ἀγαθῷ κεχρησθαι, ἀλλὰ μάλιστα μὲν τοῦ τῆς ψυχῆς ἀγαθοῦ φροντιστέον, ἦττον δὲ τοῦ περὶ τὸ σῶμα, καὶ ἔτι ἦττον τοῦ περὶ τὰ χρήματα. χάριν γ' οὖν ὁμολογοῦμεν καὶ τοῖς δοῦσιν ἡμῖν χρήματα καὶ τοῖς ἰατροῖς θεραπεύσασιν καὶ τοῖς διδασκάλοις διδάξασιν καὶ τοῖς ψυχὴν ὠφελήσασιν, ἀλλ' οὐχ ὁμοίως πᾶσιν, ἀλλὰ τοῖς μὲν ψυχὴν ὑγιαῖ ποιήσασιν πλείστην, ἦττον δὲ τοῖς ἰατροῖς καὶ ἔτι ἦττον τοῖς περὶ χρήματα.

Norvin notes in the *apparatus* and the *Index locorum* enigmatically "II 7." As it is impossible to know what he means by this reference, we must interpret the whole paragraph. Although φησιν introduces either a direct quotation from Aristeides or a paraphrase of a passage of one of the Platonic discourses, it is not possible to find any adequate parallel in either case. Neither Ὑπ. τῶν δ', II, 227 and II, 228 Dindorf, nor Ὑπ. ῥητ., II, 45 or 77 f. Dindorf, can be taken into serious consideration. Internal evidence leads to quite a different assumption. There is little doubt that the words ὥστε οὖν δεῖ καταφρονεῖν θανάτου refer to Aristeides, Ὑπὲρ τῶν δ', II, 229, 9 ff. Dindorf: οὐκ ἔνι τῷ κυβερνήτῃ πρὸς οὐδένα τῶν ἐμπλεόντων εἰπεῖν, ὅτι χρὴ τοῦ θανάτου καταφρονῆσαι, and that Olympiodorus is not of this opinion. After καταφρονῆσαι Aristeides goes on: οὐδ' ὅτι ἐξεπίτηδες αὐτὸν εἰς τὴν θάλατταν ῥῖψαι, ἀλλ' ὅσον τῶν σκευῶν ἐκβαλεῖν, καὶ ταῦτα ὑπὲρ σωτηρίας τῶν σωμάτων, ἄχρι τούτου κελεύειν ὁ κυβερνήτης κύριος. These words are echoed by the question οὐκοῦν . . . ἡμᾶς, although it is very far from being a paraphrase of the passage of Aristeides. The following words, λέγομεν τοίνυν ὅτι, are a formula which is typical of the usage of scholiasts who answer some ἀπορία or fictive question or objection. Such an objection or σχῆμα ἀπορίας is the question which I have just quoted. If this proves true, we learn that the sentence which begins with οὐκοῦν is not a quotation from Aristeides but belongs to Olympiodorus. The conclusion to

be drawn from this observation is very simple. After φησίν, ὅτι we must assume a lacuna in which the sentence of Aristeides which I have quoted above was either quoted or paraphrased. The second alternative, that it was paraphrased, is more probable because it is more in harmony with the usage of Olympiodorus in other cases which I have already discussed or shall discuss below. This paraphrase which we must postulate because of internal evidence is followed by Olympiodorus' indignant question οὐκοῦν . . . ἡμᾶς and by the answer to this question λέγομεν τοίνυν, ὅτι.

V. and IX. and X. Pp. 202, 19-20 and 203, 11-22
(on *Gorg.* 517 A)

πρὸ τοῦ Ἀριστείδου οὖν καὶ αὐτὸς ἐπαινεῖ αὐτοὺς ὡς στρατηγούς.

στρατηγούς is said emphatically. The meaning is that Plato praises them as generals only but not as statesmen.

ἐπειδὴ δὲ παραβάλλει αὐτοὺς Θεαρίωνι τῷ ἀρτοποιῷ καὶ Μιθαίκῳ τῷ ὀψοποιῷ καὶ Σαράμβῳ τῷ καπήλῳ, ἀγανακτεῖ ὁ Ἀριστείδης. καίτοι οὐδεὶς μέμφεται τῷ Ὅμηρῳ εἰσαγαγόντι τὸν Αἴαντα τὸν ὡς εἰπεῖν μετ' ἀμύμονα Πηλείωνα ὄνῳ ἐοικότα, καὶ ἀργῶι ὄνῳ. φησὶ γάρ·

ὥς δ' ὅτ' ὄνος παρ' ἄρουραν,

καὶ πάλιν·

ᾧ τε ρόπαλ' ἀμφὶς²⁰ ἔαγγ·

οὐ δέ οὖν διὰ τὴν παραβολὴν κακίζειν. λέγει γάρ, ὅτι, ὥσπερ ἐκεῖνοι καλοὶ ἦσαν κάλλιστα παρασκευάζοντες τὰ πρὸς τὴν χρεῖαν, οὕτως καὶ οἱ τέσσαρες οὗτοι ὡς σώιζοντες μὲν ἐπαίνου ἄξιοι, ὡς μέντοι πολιτικοὶ οὐκέτι.

πρὸ τοῦ Ἀριστείδου: There is a difference between the statements in Norvin's *apparatus* and his *Index locorum*. As Aristeides discusses the successful military leadership of the four men again and again, Norvin is right in noting in the *apparatus* "Aristeid. or. XLVI," and in considering the reference a general one. In the *Index*, however, he refers erroneously to the same passage, XLVI, 121, as in the following case, where we cannot determine the question without a careful examination of the whole passage which offers many problems, the solution of which Norvin did not attempt.

²⁰ Norvin offers ἀμφίς, whether a misprint or because he copies MS M too slavishly.

ὁ Ἀριστέδης: The whole paragraph is the most interesting of all which deal with Aristeides. Norvin contents himself with noting in the *apparatus* and *Index locorum* "XLV 86; XLVI 121 sq."²¹

It is true that in both of these passages Aristeides criticizes Plato for the disdainful comparison of Pericles with Theario and his fellows. As Aristeides, however, discusses the same topics in several other passages of the Platonic discourses, which Norvin does not take into consideration, it is hard to see why Norvin picked out just these two passages, unless it is clear that Olympiodorus referred to them exclusively. It is, however, impossible to prove this. On the contrary, it is apparent that Olympiodorus did not refer to either one. There is a noteworthy difference between Plato and Olympiodorus which cannot be ascertained with the help of these two passages alone. *Gorg.* 518 B reads as follows: Θεαρίων ὁ ἀρτοκόπος (BTP; ἀρτοποιὸς F) καὶ Μίθαικος ὁ τὴν ὀψοποιίαν συγγεγραφὸς τὴν Σικελικὴν καὶ Σάραμβος ὁ κάπηλος. Olympiodorus calls Theario ἀρτοποιός in accordance with the reading of MS F of Plato; Mithaecus, however, is not called author of a cookery book but ὀψοποιός. The same term occurs in one of those scholia on *Gorg.* 518 B which go back to Arethas.²² In the first passage of Aristeides referred to by Norvin (Υπ. ῥητ., II, 114, 11) Mithaecus is called ὀψοποιός and Theario ἀρτοποιός in accordance with the reading of MS F while Sarambus is not mentioned at all. Nor is he mentioned in the second passage (II, 164, 12) where Mithaecus and Theario are introduced without any designation. Thus we see that these two passages are not sufficient basis for interpreting the reference in Olympiodorus.

If, in the case of alleged quotations from Aristeides or references to him, there is the alternative of the discourse Υπ. ῥητ. or Υπ. τῶν δ', subject matter shows that we should fix our attention upon the second and eliminate the first discourse so far as possible, unless very important reasons advise against this procedure. Only the discourse Υπ. τῶν δ' centers about the four statesmen, while Υπ. ῥητ. entertains different aims, in spite of many references to the four men. The title of this discourse is quite specific in this respect. Therefore the result of the examination of the

²¹ These numbers refer to Jebb's edition; the corresponding numbers in Dindorf's edition are II, 114, 11 and 164, 12.

²² P. 479 Greene.

other alleged references to 'Υπ. ῥητ. in Olympiodorus will not be different; it will appear that most of them are at least doubtful. Among all the passages in which Aristeides deals with Theario, Mithaecus, and Sarambus, there is only one where they are referred to altogether, viz. 'Υπ. τῶν δ', II, 202, 18 ff. Dindorf. This passage is completed by II, 257, 3 Dindorf, where Aristeides first plays with his audience, pretending that he is unable in the decisive moment to remember the name of the third fellow. He wishes the audience to feel that Sarambus is not worth dealing with. For this reason he says (II, 202, 16 ff.) εἶθ' ὃν οἱ χρώμενοι καὶ συνόντες καὶ μετὰ τῆς πείρας εἰδότες τῆς αὐτῆς τοῖς²³ θεοῖς προσηγορίας ἤξίσαν, τοῦτον ἡμεῖς Θεαρίωνι καὶ Μιθαίκῳ καὶ οὐκ οἶδ' ὅτῳ τῷ τρίτῳ γραφόμεθα τῆς αὐτῆς; οὐκ ἄρ' εὖ φρονεῖν δόξομεν. In II, 257, 3 Aristeides gives, as I have already said, the necessary supplement and, in agreement with Plato, refers to Mithaecus²⁴ as author of Σικελικὴ ὀψοποιία—it is very easy to understand that this expression was changed by some brachylogy to ὀψοποιός by Olympiodorus and Arethas—and to Sarambus, whose name Aristeides pretends to remember only now, as trader.

'Ομήρῳ: Although the assumption that Olympiodorus refers

²³ τοῖς is omitted in Dindorf's edition before θεοῖς but is read after Μιθαίκῳ by obvious misprint; all the MSS I have examined have the correct word order.

²⁴ As the scholium III, 456, 12 ff. Dindorf, on 'Υπ. τῶν δ', II, 164, 12, which deals with Mithaecus and Theario, has not its correct form in Dindorf's edition—the text in Frommel's edition is still more inadequate—I offer a new constitution of the text which is based upon new collations of the MSS.

<Μιθαίκῳ>] τοῦτόν φασι συγγράμματα μαγειρικὰ συγγεγραφέναι[, τὸν Μίθαικον καὶ τὸν Θεαρίωνα].

lemma added by Lenz, without lemma Marcianus 423, τῇ θεαρίωνος lemma Vat. 76 et 1298, Ambr. A 175 sup.

τοῦτον Vat. 76, Paris. 2952, τοῦτο Marc., Vat. 1298, τούτους Ambr. et Laur. 60, 9 which represents the younger redaction of the scholia. συγγράψαι Laur.

τὸν μίθαικον καὶ τὸν θεαρίωνα omitted in Laur., bracketed by Lenz, written in Marc., Vat. 76 et 1298, Ambr.; this is a wrong addition which conflicts with Plato, Gorg. 518 B: Θεαρίων ὁ ἀρτοκόπος καὶ Μίθαικος ὁ τὴν ὀψοποιίαν συγγεγραφὼς τὴν Σικελικὴν and with the other testimonies in Athenaeus, XII, 516 c, Pollux, VI, 70, and Suidas, s. v. Μίθαικος, who know nothing at all about a book or treatise 'Οψαρτυτικά by Theario. The wrong lemma and the addition go back to someone who was not familiar with this kind of literature.

to one certain passage of the *Iliad* seems right, it is inadequate because it helps only little in answering the more essential question why Olympiodorus quotes Homer at all. What is the idea of the comparison between Plato's and Homer's procedure? The answer to this question will be surprising because the examination of the two quotations from Homer will carry back unexpectedly to the activity of the ancient interpreters of Aristeides, which is echoed by our scholia. On p. 112 I have quoted the text of Norvin's edition although it appears at the first glance that several passages make no sense. What is the meaning of τὸν ὡς εἰπεῖν μετ' ἀμύμονα Πηλείωνα? Norvin did not pay attention to the fact, or if he did he did not inform the reader, that the words μετ' ἀμύμονα Πηλείωνα or ἀμύμονα Πηλείωνα form the end of a hexameter, which is used in the *Iliad* and the *Odyssey* ten times. This observation enables us to emend the passage. Five of these ten cases must be eliminated at once because the expression (μετ') ἀμύμονα Πηλείωνα is used in a way different from our purpose. Only the remaining five have to be taken into account because here the end of the hexameter is used together with a reference to Ajax. Two of these five passages, viz. P 279 f.: Αἴας, ὃς πέρι μὲν εἶδος, πέρι δ' ἔργα τέτυκτο / τῶν ἄλλων Δαναῶν μετ' ἀμύμονα Πηλείωνα and the almost identical verses λ 549 f., are of no use, nor is B 768-70: ἀνδρῶν αὖ μέγ' ἄριστος ἔην Τελαμώνιος Αἴας, / ὅφρ' Αχιλεὺς μῆνιεν· ὁ γὰρ πολὺν φέρτατος ἦεν / ἵπποι θ', οἳ φορέεσκον ἀμύμονα Πηλείωνα of decisive value, while in λ 469 f. and ω 17 f. Ajax is called μέγ' ἄριστος μετ' ἀμύμονα Πηλείωνα. As there is no doubt that Olympiodorus refers to either of these passages we must write τῷ Ὁμήρῳ εἰσαγαγόντι²⁵ τὸν Αἴαντα τόν, ὡς εἶπεν, “<ἄριστον>”²⁶ “μετ' ἀμύμονα Πηλείωνα.”²⁷

²⁵ I am not convinced that the aorist is correct. M wrote εἰσάγοντι; the reviser, however, added αγ above the line. In cases like this scholiasts are very fond of the present tense. As the aorist, however, is not unusual either, we must leave it undecided. For the sense it makes no difference.

²⁶ Although it is also possible to insert <μέγ' ἄριστον> I cannot recommend this suggestion which is not in full harmony with the tendency of Olympiodorus to quote passages of other authors inaccurately.

After writing this paragraph I learned that P. Maas, *loc. cit.*, p. 184 was on the track of the right emendation. He suggested that we insert <ἄριστον>, without changing εἰπεῖν, however. As Olympiodorus quotes Homer the expression τὸν ὡς εἰπεῖν ἄριστον, “maxime egregium ut ita

It is noteworthy that Olympiodorus separates the quotations from two successive verses of Homer (A 558 and 559) by καὶ πάλιν. Did he quote them by heart instead of looking them up in his copy of the *Iliad*, or did he not take them from Homer at all but from two different passages of the source upon which he based this comment, or even from two different sources? I am confident that it is possible to find an answer to these questions, and that we are able to determine the character of the source. One of the sources, or better the source, was an edition of Aristeides' discourse 'Υπ. τῶν δ' with scholia. This assumption suggests itself if we remember that either one of these verses is also quoted in two of our scholia on Aristeides which are *not* successive. A 588 is referred to in a scholium on II, 228, 10 ff. Dindorf. In this passage Aristeides starts a new discussion of the example of the pilot. It is scarcely a coincidence that we had to refer²⁸ to one sentence of that discussion when we interpreted Olympiodorus' reference to Aristeides in 179, 10. Aristeides denies that the example of the pilot is fitting, unless Plato is supposed to have introduced it exclusively as a comparison or simile following the manner of Homer who is fond of comparing some characteristic qualities of his heroes with those of lions, boars, and other beasts. Upon this passage the scholiast comments as follows:²⁹ οὐδὲ εἰ εἶπε (sc. Homer) πάλιν περὶ τοῦ Αἴαντος "ὥς δ' ὅτ' ὄνος," ἤδη καὶ ὄνος ὁ Αἴας καθάπαξ. . . . Neither Olympiodorus nor the scholiast quotes the complete verse but they content themselves with the first words only. Apparently the verse was so familiar that the audience needed only to be reminded of the beginning. The fact that the quotation is briefer in the scholium than in Olympiodorus does not exclude the possibility that Olympiodorus used an exegetical edition of 'Υπ. τῶν δ' which had the verse more complete. The extent of quotations from poets and prose writers in different redactions of the same scholium on any passage of the *Panathenaicus* and the

dicam," is pointless. Therefore I maintain my suggestion that we write εἶπεν instead of εἶπεῖν. εἶπεν looks back to Ὀμήρῳ.

²⁷ The possibility cannot be excluded that Olympiodorus in writing this passage remembered Aristeides, 'Υπ. τῶν δ', II, 336, 21 ff., where several of Homer's verses which deal with Ajax are quoted.

²⁸ See p. 111, above.

²⁹ III, 557, 7 Dindorf; the text in Dindorf's edition is entirely inadequate.

Platonic discourses varies greatly because of the arbitrariness of scribes. Therefore abbreviation of quotation is no less usual than completion. The question whether one manuscript is older or better than another is irrelevant in most cases.

Much more surprising and unambiguous conclusions, however, must be drawn from an examination of the quotation from Homer, Λ 559. Before quoting the preceding verse, Λ 558, Olympiodorus paraphrases Homer and says *καίτοι οὐδείς μέμφεται τῷ Ὀμήρῳ εἰσάγοντι* (or *εἰσαγαγόντι*)³⁰ *τὸν Αἴαντα . . . ὄνῳ ἐοικότα, καὶ ἀργῶι ὄνῳ*. There must be some reason for his emphasizing *ἀργῶι* in such a conspicuous manner. Although the quotation from Λ 559 refers to this epithet of the donkey we can scarcely understand why Olympiodorus separated this verse from 558 with which it is closely connected in Homer, unless we consult again the scholia on Aristeides for an explanation. In $\Upsilon\pi$. $\tau\omega\upsilon\varsigma$ δ', II, 185, 15 f. Dindorf, after discussing the excellent piece of work which Pericles did in the interest of Athens, Aristeides asks Plato angrily: *καίτοι ταῦτα πότερον ἀργίαν καὶ δειλίαν καὶ ἀνανδρίαν καὶ ταπεινότητα καὶ νωθείαν εἰσάγοντος εἰς τὴν πόλιν*. This sentence is explained by a scholium which is still unpublished, to be found only in the *Marcianus graecus* 423 which is the most important MS for this section of the scholia. It reads as follows: *ἐκ παραλλήλου τὸ αὐτό ἐστιν ὄνομα* (*sc. ἀργίαν and νωθείαν*). *καὶ Ὀμηρος δὲ “νωθεὶς ὦι δὴ περὶ ῥόπαλα.”* If we are right in assuming that Olympiodorus read this scholium in his copy of $\Upsilon\pi$. $\tau\omega\upsilon\varsigma$ δ', we are also able to see why he puts such strong emphasis on *ἀργῶι* in the sentence . . . *ὄνῳ ἐοικότα, καὶ ἀργῶι ὄνῳ*. In this case also³¹ the extent of both quotations from Homer is not the same. The last words of the hexameter *ἀμφὶς ἑάγη* are not quoted by the scholiast. After $\omega\iota$ Olympiodorus adds *τε* which makes no sense and can scarcely have been corrupted from *δὴ*.³² There are two other possibilities to explain this corruption. Either the scribe made the mistake spontaneously because he remembered expressions such as *ὦι τε* or *ὄν τε* which are very usual in Homer, or the two letters *τε* are the remains of $\frac{\epsilon}{\pi}$ (= *περὶ*) which is missing before *ῥόπαλ'*. Of much greater importance, however, is the strange fact that both Olympiodorus and the scholiast omit

³⁰ See p. 115, n. 25, above.

³¹ See p. 116, above.

³² Norvin does not call the attention of the reader to this corruption.

πολλὰ before ῥόπαλ'. The hypothesis that Olympiodorus borrowed his argumentation from two different scholia on Aristides will receive further confirmation by the examination of the following sentence.

The meaning is that no one is right in criticizing the comparisons in Homer and Plato who had very good reasons for using them. οὐ δέ οἱ τὴν παραβολὴν αἰκίζεν, for it appears from this comparison that ὥσπερ ἐκεῖνοι καλοὶ ἦσαν κάλλιστα παρασκευάζοντες τὰ πρὸς τὴν χρείαν, οὕτως καὶ οἱ τέσσαρες οὗτοι ὡς σώζοντες μὲν ἐπαίνου ἄξιοι, ὡς μέντοι πολιτικοὶ οὐκέτι. This sentence means: the four men are praiseworthy inasmuch as they saved the state; they are, however, not praiseworthy in so far as the question of their statesmanship is concerned, in the same manner as those were καλοὶ because they did this and that. I am convinced that no one will be able to figure out what ἐκεῖνοι are supposed to have done in the sentence which begins with ὥσπερ and ends with χρείαν. To whom does ἐκεῖνοι look back? Although it might be possible to understand Ajax and Achilles, since we have seen that Ajax is called the best after the noble son of Peleus, we must concede that this reference is neither perspicuous nor dexterous nor self-evident from the grammatical point of view. The whole sentence is so awkward that it can scarcely be sound. This suspicion is increased if we turn back to the scholium on Aristides, III, 557, 5-12 Dindorf, mentioned above,³³ from which Olympiodorus borrowed his example. The two recent Munich MSS, B and D, which were used by Reiske and Dindorf, are wrong in dividing the scholium into two scholia. We must rather turn to the *Marcianus graecus* 423 and the *Vaticanus graecus* 76³⁴ in which the scholium reads as follows: ἐνδοξον πάλιν εἰσάγει πρόσωπον· οὐδὲ γάρ, φησὶν, εἰ ἐκάλεσεν Ἀχιλλεῖα “θυμολέοντα” (H 228), ἥδη λέων ἦν Ἀχιλλεύς, οὐδὲ εἰ εἶπε πάλιν περὶ τοῦ Αἴαντος “ὡς δ’ οὔτ’ ὄνος,” ἥδη καὶ ὄνος ὁ Αἴας καθάπαξ, ἀλλ’ εἰς ὅσον προσῆκε πρὸς τὴν χρείαν λέγει δεχόμενος καὶ πρὸς μέρος λέοντι καὶ κάπροις καὶ ὄνοις ἀπέικαζε τὸ πρόσωπον, οὐ καθάπαξ. This scholium explains the sentence in Olympiodorus completely. From the expression πρὸς τὴν χρείαν we learn that the relation between the scholium on Aristides and the sentence in Olympiodorus must be much closer. The scholium is more than merely a parallel; it is the original of the awkward argumentation which we read in Olympi-

³³ See p. 116, above.

³⁴ Cf. n. 24, above.

odorus. It appears that *ἐκείνοι* does mean Ajax and Achilles, but also that it is not Ajax and Achilles who are said to have done something that makes no sense (*κάλλιστα παρασκευάζοντες τὰ πρὸς τὴν χρείαν*). It is rather Homer who is the subject of the whole sentence, who says and does something in regard to Ajax and Achilles. λέγει γάρ (*sc.* Homer), ὅτι, ὥσπερ ἐκείνοι καλοὶ ἦσαν, κάλλιστα παρασκευάζων τὰ πρὸς τὴν χρείαν, οὕτως καὶ οἱ τέσσαρες οὗτοι. . . . The words *κάλλιστα* . . . *χρείαν* are added almost parenthetically, and the participle *παρασκευάζων* looks back to *λέγει* syntactically and grammatically. The comparison between the passage of Olympiodorus and its original, the scholium on Aristeides, enables us to learn that the text of Olympiodorus is corrupt and paves the way for emendation. It is not difficult to explain how the corruption occurred. *παρασκευάζων*, being paralleled with the following *σώζοντες*, was changed to *παρασκευάζοντες*. The result was that the whole passage became senseless. As the author of this corruption did not, however, write *ὡς κάλλιστα παρασκευάζοντες*, as he should have done in order to complete the parallelism with *ὡς σώζοντες*, he betrays himself.

It is quite a different matter that Olympiodorus avoids in his apology the most essential question. He overlooks either unconsciously or deliberately the fact that Plato did criticize the four statesmen, comparing them with Theario and his fellows, who are accused of having substituted *κολακεία* for *ιατρική*. Therefore the reference to them implies the idea that the reader of the *Gorgias* is asked to judge the deeds of the four men analogously.

VI. P. 149, 20-29 (on *Gorg.* 499 B)

σκοπὸς τοίνυν ἐστὶν ἐν τοῖς ἐφεξῆς διδάξαι, τίς ἐστὶν ἡ πολιτικὴ εὐδαιμονία. εἶτα τοῦ Καλλικλέους μνησθέντος τῶν τεσσάρων ἐκείνων, Περικλέους Θεμιστοκλέους Μιλτιάδου Κίμωνος, καὶ λέγοντος ὅτι· τί οὖν; οὗτοι οὐκ εἰσι πολιτικοί; φησὶν, ὅτι οὐ, καὶ καλῶς ἀποφαίνεται. καὶ μάτην ὁ Ἀριστείδης πολλοὺς φληνάφους λόγων καταβάλλει καὶ ἐκείνα διὰ πολλῶν λέγει περὶ αὐτῶν, ἃ πρὸ αὐτοῦ ὁ Πλάτων αὐτὸς εἶπεν. ἀμέλει καλῶς εἰπέ τις τῶν ἐξηγητῶν, ὅτι, ἃ ὁ Πλάτων κακῶς εἶπεν περὶ αὐτῶν, ταῦτα ὁ Ἀριστείδης διὰ τὸ πλῆθος τῶν λόγων ἀμφίβολα ἐποίησεν.

Norvin is unconvincing in connecting this reference to Aristeides, which obviously criticizes the discourse Ὑπ. τῶν δ' in general terms, with one passage of Ὑπ. ῥήτ. ("XLV 89").

Although I am not sure what Norvin means, I assume that he refers to II, 119, 7 ff. Dindorf (= 89, 8 Jebb). This passage reads as follows: ὥσπερ τοίνυν αὐτὸς (sc. ὁ Πλάτων) τὰ μὴ ἀναγκαῖα κατηγορήκεν ἐκείνων, τί κωλύει καὶ ἡμᾶς αὖ τὰ μὴ ἀναγκαῖα ὑπὲρ αὐτῶν ἀντιθεῖναι; καίτοι διὰ γε τοῦτον ἐξ ἡμισείας ἀναγκαῖα. In this passage, Aristеides emphasizes that the unnecessary attacks which Plato directed against the four men must be counterbalanced by a defense. Although this defense might seem unnecessary, yet it must be considered partly necessary because the person making the attack is outstanding. Therefore his insults cannot be taken quietly. This argument is, however, different from what we read in Olympiodorus. He criticizes Aristеides for having set down³⁵ much gossip and for repeating at length what Plato was the first to say. The words πολλοὺς φληνάφους λόγων prove sufficiently that Olympiodorus criticizes the whole discourse 'Υπ. τῶν δ', especially as the four men are referred to a few lines before. It is probable that Olympiodorus took his critique from the comment of an unknown interpreter who was unfriendly to Aristеides. Olympiodorus seems to refer to the same commentator in the vague phrase τις τῶν ἐξηγητῶν. He is said by Olympiodorus to have criticized Aristеides for the exaggerated length of his discourse. Aristеides did not wish to be brief because he considered great length the best way of making Plato's attacks ineffective and ambiguous, that is, because Aristеides felt unable to refute the attacks directly, he substituted prolixity for conciseness. Unfortunately it is impossible to determine whether or not Olympiodorus used the term ἐξηγητής in its strict meaning; if not, he might refer to Porphyrius who was rather an adversary than an ἐξηγητής of Aristеides.

VII. and XI. Pp. 171, 14-172, 2 (on *Gorg.* 508 C)

καὶ ταῦτα μὲν καλῶς εἴρηται. ὁ δὲ Ἀριστείδης ὁ ῥήτωρ ὁ γράψας τὸν Παναθηναϊκὸν ἐν τῇ ἐπιστολῇ τῇ πρὸς τὸν Καπίωνα λέγει, ὅτι ἐγὼ δείκνυμι τὸν Πλάτωνα αὐτὸν ὁμολογοῦντα, ὅτι ἡ ῥητορικὴ κρείτ-

³⁵ Literally: Aristеides "throws down" much gossip. One feels tempted to assume that Olympiodorus alludes to the alleged title of Protagoras' famous treatise *Καταβάλλοντες*, although there is no possibility of definite proof. The question of the title of Protagoras' work was discussed recently by E. Nachmanson, "Der griechische Buchtitel," *Göteborgs Högskolas Årsskrift*, XLVII (1941), No. 19, pp. 9 f.

των ἐστὶ τῆς φιλοσοφίας, ἐκθώμεθα οὖν κατὰ πλάτος τὰ πράγματα. φησὶν ὁ Ἀριστείδης, ὅτι ἐν τῷ ὀγδόῳ τῶν Νόμων λέγει ὁ Πλάτων, ὅτι τὸ μὲν μὴ ἀδικεῖν ἥττον ἀγαθὸν ἐστίν, τὸ δὲ μὴ ἀδικεῖσθαι μέγα ἀγαθὸν καὶ θεῖον. ἐπεὶ οὖν τὸ μὲν μὴ ἀδικεῖσθαι μέγιστον ἀγαθὸν ἐστὶ καὶ θεῖον κατὰ τὸν Πλάτωνα, τὸ δὲ μὴ ἀδικεῖν ἥττον ἀγαθόν, ἔστι δὲ τὸ μὲν μὴ ἀδικεῖσθαι ῥητορικῆς, τὸ δὲ μὴ ἀδικεῖν φιλοσοφίας, καὶ ἡ ῥητορικὴ ἄρα μείζον ἀγαθὸν ἐστὶ τῆς φιλοσοφίας. ταῦτα μὲν οὖν ὁ Ἀριστείδης. παρελογίστατο δὲ ἑαυτὸν ἐκ τῆς ὁμωνυμίας. δεῖ γὰρ εἶδέναι, ὅτι σχεδὸν ἅπαντες οἱ παραλογισμοὶ ἐκ τῆς ὁμωνυμίας γίνονται. τό τε οὖν μὴ ἀδικεῖσθαι καὶ τὸ μὴ ἀδικεῖν διττόν ἐστι, τὸ μὲν κυρίως, τὸ δὲ οὐ κυρίως. λέγεται γὰρ καὶ τὸ μὴ ἀδικεῖσθαι κυρίως καὶ οὐ κυρίως καὶ τὸ μὴ ἀδικεῖν κυρίως καὶ οὐ κυρίως. κυρίως μὲν οὖν, ὅταν ἐπὶ ψυχῆς λαμβάνεται, οὐ κυρίως δέ, ὅταν ἐπὶ σώματος ἢ τῶν ἐκτός. οἷον ἐπὶ ψυχῆς λαμβάνεται τὸ μὴ ἀδικεῖσθαι ἀντὶ τοῦ μὴ ταράττεσθαι τὴν ψυχὴν μηδὲ συνειδέναι ἑαυτῇ ἄδικόν τι πρᾶγμα.

Norvin notes in the *apparatus* "Aristid. XLVII p. 421 cf. XLV p. 98," referring to the pages of the Dindorf edition. By this change from one edition to the other he causes needless difficulty. Olympiodorus quotes only Or. XLVII (Πρὸς Καπίωνα) in which Aristeides, however, repeats a paragraph of the previous discourse, XLV ('Υπ. ῥήτ.). Therefore Norvin is not right in stating in the *Index locorum* that Olympiodorus refers to both passages of Aristeides. The page number, 421, is not exact and must be changed to 419 ff.

The alleged reference to Aristeides is worth examining carefully because it cannot be understood completely at first glance. It is surprising that Olympiodorus refers to Aristeides in an unusual manner. First he adds the explanation ὁ ῥήτωρ, and secondly he introduces him as author of the *Panathenaicus*, although in two previous references (13, 25; 149, 24) he contented himself with quoting the proper name with article. The audience is supposed to have become familiar with the orator and does not need any further information, especially as the *Panathenaicus* has nothing to do with the subject in question. It is therefore impossible to understand the real purpose of the reference to the *Panathenaicus*, unless we assume that Olympiodorus took the sentence ὁ (δὲ) Ἀριστείδης . . . φιλοσοφίας from a source different from the one to which the two previous references go back. This suggestion will be confirmed by another observation, for the discussion of which we must lay the foundations by completing the interpretation of the first sentence of the passage.

Aristeides' treatise *Πρὸς Καπίωνα* is called *ἐπιστολή* by Olympiodorus against the authority of the MSS which contain it, and against the testimony of Photius who is the most important representative of the indirect tradition. In both of these branches the title is with slight and irrelevant variations *Πλατωνικὸς τρίτος πρὸς Καπίωνα*. There are scarce recent scholia on the treatise which do not enable us to determine the author of the title *ἡ ἐπιστολή ἢ πρὸς Καπίωνα*, if this must be considered a title at all and not the *αὐτοσχεδίασμα* of Olympiodorus or his source.³⁶ Thomas Magister, who quotes only one passage of the treatise in his *Ἑκλογή*, p. 155, 5 Ritschl, is right although he differs slightly from our MSS in writing *ἐν τῷ πρὸς Καπίωνα*.

Olympiodorus continues thus: *λέγει ὅτι ἐγὼ δείκνυμι τὸν Πλάτωνα αὐτὸν ὁμολογοῦντα*. Although the use of the first person of the personal pronoun looks like the beginning of a quotation from Aristeides, this impression is fallacious, for the sentence *ἐγὼ . . . ὁμολογοῦντα* is an inaccurate paraphrase of II, 419, 3 ff. Dindorf: *ἐγὼ μὲν γὰρ αὐτὸν ἐπειρώμην πανταχοῦ σύμψηφον ὄντα δεικνύναι*. The words following in Olympiodorus: *ὅτι ἡ ῥητορικὴ κρείττων ἐστὶ τῆς φιλοσοφίας* have no precise equivalent in Aristeides; they are a combination of II, 419, 19 f.: *ἀλλὰ κἀν τούτοις μαρτυρεῖν* (*sc. Πλάτωνα*) *ἔφασκον ἐμαντῶι τε καὶ ῥητορικῇ* and 422, 18 ff.: *εἰ μὲν καὶ τῆς φιλοσοφίας ὁ αὐτός ἐστιν ὄρος, φιλοσοφία τις οὔσα ἡ ῥητορικὴ φαίνεται, εἰ δὲ ἔξαρκεῖ τῇ φιλοσοφίᾳ μὴ ἀδικεῖν, ἡ ῥητορικὴ τελεώτερον*. Here the paraphrase reaches its end. The next sentence: *ἐκθώμεθα οὖν κατὰ πλάτος τὰ δόγματα* does not belong to the paraphrase. Its purpose is to connect the paraphrase with the following reference to Aristeides. From 419, 19 f. and 422, 18 ff. Olympiodorus turns back to II, 421, 27 ff. where Aristeides comments on Plato, *Leg. VIII*, 829 for the second time,³⁷ trying to refute Plato. The first words of this paragraph: *φησὶν ὁ Ἀριστείδης, ὅτι ἐν τῷ ὀγδόωι τῶν Νόμων λέγει ὁ Πλάτων*, sound entirely like a scholium or paraphrastic comment on this passage and are noteworthy because of the asyndeton *φησὶν ὁ Ἀριστείδης*. This observation and the repetition of the same thought in *ἡ ῥητορικὴ κρείττων ἐστὶ τῆς φιλοσοφίας . . . ἡ ῥητορικὴ ἄρα μείζον ἀγαθὸν ἐστὶ τῆς φιλοσοφίας* suggest that Olympiodorus, by means of the sentence *ἐκθώμεθα*

³⁶ A. Boulanger, *Aelius Aristide et la sophistique dans la province d'Asie au II^e siècle de notre ère* (Paris, 1923), pp. 225-7, uses the terms "lettre" and "discours" without distinction.

³⁷ The first discussion is in *Τρ. ῥητ.*, II, 98, 7 ff. Dindorf.

οὐν κατὰ πλάτος τὰ δόγματα, combined two discussions of the same passage, which he took from two different sources. Should this explanation prove true it would appear that he borrowed the first sentence of the whole paragraph with its surprising statements³⁸ from another author whom he did not consult elsewhere.

So far as I know it has not hitherto been observed that the text of the whole paragraph 171, 26-172, 13, the marginal scheme 172, 12, and a brief excerpt from 170, 20-171, 7 occur on the margin of f. 249r of a 15th century MS of Aristeides. This MS is *Laurentianus* 60, 9.³⁹ The text of Aristeides written on the recto of this leaf covers II, 421, 21 to 422, 27 Dindorf, that is to say the same passage as the one with which Olympiodorus deals. The text of Olympiodorus was added by some hand different from the hand which wrote the text of Aristeides, and is very close to the text which we read in M. The most striking example is found on p. 172, 8 where the article τὴν before ψυχὴν is omitted in M and the *Laurentianus* while it is added in (all?)⁴⁰ the recent MSS. There is, however, one interesting variant reading which is worth discussing. In 171, 26 Olympiodorus says, according to M and the more recent MSS, ταῦτα μὲν οὖν ὁ Ἀριστείδης παρελογίσατο δὲ ἑαυτόν. In the *Laurentianus*, however, these words have been replaced by a direct address to Aristeides which reads as follows: ὦ Ἀριστείδη, παρελογίσω ἑαυτόν. In this address the third person of the pronoun is substituted for the second.⁴¹ In my *Untersuchungen zu den Aristeidesscholien*, p. 126, I have pointed out that direct addresses to Aristeides of the same type are not unusual in some groups of scholia which were written by authors who like to criticize Aristeides, such as Arethas. There is one noteworthy instance which prevents us from setting aside this variant reading without attempting to draw further conclusions: on the contrary, we have one important reason for taking it more seriously. In his biography of Plato, chap. 4 (193 Herm.) Olympiodorus refers to Aristeides, Ὑπ. τῶν δ', II, 302, 1 f. Dindorf,⁴² in a very unfriendly and ironical

³⁸ See pp. 121 f., above.

³⁹ Cf. F. Lenz, *Untersuchungen zu den Aristeidesscholien* (Berlin, 1934), p. 96.

⁴⁰ It is impossible to determine whether s in Norvin's edition means all the recent MSS or only some of them.

⁴¹ Cf. Kühner-Gerth, *Ausführliche Gramm.*, II, 1³, pp. 571 ff.

⁴² Cf. E. Maaß, *De biographis Graecis quaest. sel.* (*Philol. Unters.*, III [Berlin, 1880]), p. 68 f.

manner. This reference reads as follows. *στέλλεται καὶ εἰς Σικελίαν, θεασόμενος τοὺς κρατῆρας τοῦ πυρὸς τοὺς ἐν τῇ Αἴτνῃ καὶ οὐ Σικελικῆς τραπέζης χάριν, ᾧ γενναῖε Ἀριστείδη, ὡς σὺ φήεις.* This analogous direct address to Aristides brings up the question whether *Laurentianus* 60, 9 has eventually preserved an echo of the words originally used by Olympiodorus. Should this be the case, we must assume that Olympiodorus said something like this: *παρελογίσω δὲ ἐαντόν, ᾧ Ἀριστείδη, ἐκ τῆς ὁμωνυμίας.* If this proves true, it is easy to learn why the words were changed in the MSS. The real meaning of *ἐαντόν* not being understood, *παρελογίσαιτο* and the preceding sentence, *ταῦτα μὲν οὖν ὁ Ἀριστείδης,* were substituted for the direct address, following the example of the parallel passage, 179, 10, *Ἀριστείδης παραλογίζεται ἐαντόν.* Unfortunately we are not able to prove it definitely and must leave it undecided, although the consequences for the history of the text would be important, inasmuch as the *Laurentianus* would offer a redaction of the text which cannot be derived from M but carries back to some ancient independent MS which is lost. I have already called the attention of the reader to 172, 8, *ψυχὴν*, instead of *τὴν ψυχὴν*. Are we right in assuming that the *Laurentianus* here too echoes the same ancient MS which agreed with M?

κυρίως μὲν οὖν, . . .: The punctuation in Norvin's edition, which apparently reproduces without criticism the punctuation offered in M, is wrong and makes it impossible to understand the meaning of the whole sentence. The punctuation in the *Laurentianus* shows that the scribe who wrote the marginal note reflected upon the text he was copying much more successfully. After 171, 31 (*κυρίως μὲν οὖν*) we must put a comma instead of period, and in 171, 32, before *οἷον ἐπὶ ψυχῆς*, a period instead of comma.

ὅταν . . . λαμβάνεται: *ὅταν* with indicative is not unusual in Byzantine authors. Sometimes it occurs in the usage of *Κοινή*⁴³ and in writers of the early period of Christianity.⁴⁴ It is there-

⁴³ See the material collected by A. T. Robertson, *A Grammar of the Greek N. T.*, pp. 972 f. and Thomas Mag., *Ecl.*, p. 131, 7 Ritschl: *τὸ ὅταν αἰετὰ μετὰ ὑποτακτικοῦ παρὰ τοῖς ἀκριβεστάτοις.* This remark shows that the indicative was not entirely unusual. Liddell-Scott quote a passage from Strabo, viz. XII, 3, 27 which is not mentioned by Robertson: *ὁ μὲν δὴ τοιοῦτος ἔλεγχος ψευδῆς ἐστίν, ὁ δ' ἀληθής, ὅταν δεικνύται (MSS: δεικνύται Cor.) ψεῦδος λεγόμενον τι.*

⁴⁴ For instance Barnabas, 4, 14, *ὅταν βλέπετε*; Ignatius Ephesius, 13, 1, *ὅταν ἐπὶ τὸ αὐτὸ γίνεσθε.* Neither passage is cited by Robertson.

fore not necessary to replace the indicative by the subjunctive, although the possibility cannot be excluded that the scribe of the early Byzantine archetype substituted the indicative with which he was familiar for the subjunctive used by Olympiodorus.

VIII. P. 13, 24-26 (on *Gorg.* 447 C)

ιστέον δέ, ὅτι οὐ διὰ τοῦτο κόλακας αὐτοὺς ὁ Πλάτων λέγει, ὥς φησιν ὁ Ἀριστείδης. πῶς γὰρ κόλακες οἱ ἐξοστρακισθέντες; διακόνους δὲ αὐτοὺς καλεῖ.

Again there is a difference in Norvin's edition between the *apparatus* and the *Index locorum*. While he contents himself in the *apparatus* with stating generally "Aristid. or. XLVI," in the *Index locorum* he connects the passage with XLVI, 121. Another assumed reference to the same passage has been discussed under no. V of this paper. As on p. 121 the terms *κόλαξ* and *κολακεία* do not occur, it seems more likely that Norvin meant p. 122. Although it is true that Aristeides deals with the question of *κολακεία* on this page, Norvin can scarcely be right, for Aristeides discusses that question exclusively in regard to Pericles without examining the attitude of the other three, whereas in 13, 21 οἱ περὶ⁴⁵ Δημοσθένη καὶ Περικλέα καὶ Θεμιστοκλέα are introduced by Olympiodorus as representatives of a certain type of rhetoric. I am very doubtful whether Olympiodorus remembered any particular passage of Ὑπ. τῶν δ' at all, because Aristeides discusses the problems of *κολακεία*, *διακονία*, and *θεραπεία* throughout the whole discourse. If this is supposed to be more than a merely general reference, however, we must take into consideration the same passages (II, 202, 10 ff. and 256, 29 ff. Dindorf) which I have discussed under no. V. In the former passage Aristeides deals with the alleged adulation of Pericles, in the latter, however, with Themistocles. We have seen that in both passages he refers to Theario and his fellows. From the words διὰ τοῦτο we learn that the whole sentence in which Aristeides is criticized by Olympiodorus looks back to the preceding sentence, which, however, cannot be understood in Norvin's edition. There is an evident corruption although the editor has preferred to pass over this problem in silence. In regard to Demosthenes, Pericles,

⁴⁵ It goes without saying that οἱ περὶ is only a substitute for the article. The preposition has no special meaning in this very common usage.

and Themistocles Olympiodorus says: ὅτι δὲ ἡνείχοντο δημοκρατουμένης αὐτῆς (*sc.* τῆς πόλεως) καὶ οὐκ ἐλάμβανον ἑαυτούς, κακῶς (*sc.* ἐποίουν). Although P. Maas, *loc. cit.*, p. 183 merely puts a dagger before ἐλάμβανον ἑαυτούς and makes no attempt to emend the passage, I am convinced that an interpretation of the whole paragraph might enable us to determine what the argument requires, even if it should not be possible to restore the proper words of Olympiodorus.

Olympiodorus relates the different extant forms of constitutions to the three parts of the human soul as distinguished by Plato. Aristocracy, which is supposed to be the best form, is paralleled with the λογικόν. It occurs when this part is predominant in the human soul. The second form of constitution is timocracy. It is practiced ὅταν ὁ θυμὸς κρατῇ (p. 12, 17). This expression is explained in a marginal note in MS M by θυμικόν instead of by the Platonic term θυμοειδές. The next form is oligarchy. It corresponds to the ἐπιθυμητικόν, if this part of the soul centers on φιλοχρημοσύνη. Democracy, however, results if the ἐπιθυμητικόν is φιλήδονον but lawful (ἐννομον), tyranny if it is φιλήδονον and ἄνομον. The first form of constitution, which is the aristocracy, is the only one which deserves to be called ὄντως πολιτικόν, while the others are ψευδώνυμα. Although every εἶδος of constitution has its own particular rhetoric, only the rhetoric peculiar to aristocracy deserves to be called ἀληθής. In this form of constitution the statesman (πολιτικός) is the only one to rule while the rhetorician serves and coöperates: (ὑπηρετεῖ πρὸς τὸ πείθειν ὃ ⁴⁶ ἂν κελεύσῃ). As the φιλήδονον is the worst and of no value, it follows ⁴⁷ that the same is true of the rhetoric which deals with it. That is the reason why Demosthenes spurned and scorned that kind of rhetoric (III, 22). The other types of rhetoric, however, which deal with the φιλότιμον, are better. Some of them ⁴⁸ were practiced by Demosthenes, Pericles, and Themistocles. Then he continues: ὅτι μὲν γὰρ ὅλως ἔσωιζον τὴν πόλιν, καλῶς ἐποίουν, ὅτι δὲ they tolerated the democratic constitu-

⁴⁶ δ is the correct emendation and was suggested by P. Maas, *loc. cit.*, p. 183, instead of δν.

⁴⁷ Before οὐκοῦν (p. 13, 15) we must put a comma or colon; in Norvin's edition there is no punctuation at all.

⁴⁸ P. Maas, *loc. cit.*, p. 183, is right in changing the punctuation; we must put a period before τούτων τῶν ῥητόρων (p. 13, 20) and omit the colon before ἦσαν αἱς ἐκέχρητο.

tion they. . . . In order to complete the seemingly corrupt sentence provisionally we add: were wrong. The two words *καὶ οὐκ* after *ἡνείχοντο δημοκρατουμένης αὐτῆς* are doubtless sound. We learn from them that Olympiodorus accuses the three men of a sin of omission. They are supposed not to have done something that they were required to do in the interest of state, unless they wished to do wrong (*κακῶς ποιεῖν*). They are criticized for having tolerated the democratic constitution. Their sin of omission which is introduced by *καὶ οὐκ* must be the thought that they did not take over the power in the state entirely. This must be the meaning of *ἐλάμβανον* (*sc. αὐτήν* or *τὴν πόλιν* or more exactly *τὴν τῆς πόλεως ἀρχήν*). If we read in Isocrates, 5, 61: *τὴν ἀρχὴν τῆς θαλάττης ἐλάμβανον*, that is they attempted to seize the dominion of the sea, and in Sophocles, *Ant.* 1163: *λαβὼν τε χώρας παντελεῖ μοναρχίαν*, I do not see any reason why we should not claim the expression *ἐλάμβανον* (*τὴν πόλιν*) for Olympiodorus, nor need we suggest *<ἀντ>ελαμβάνον<το>* following Polybius, I, 39: *ἀντιλαμβάνεσθαι τῆς θαλάττης*, i. e. to take possession of the sea. It is also very unlikely that some letters were lost at the beginning and at the end of the word. Suppose Olympiodorus wrote *καὶ οὐκ ἐλάμβανον* (*sc. αὐτήν*), it becomes evident that the following pronoun *ἐαυτούς* cannot any longer be connected with *ἐλάμβανον*. It must either be considered corrupt, or, if sound, connected with *κακῶς* (*sc. ἐποίουν*). This connection, however, furnishes a new difficulty inasmuch as it destroys the terse contrast, that on the one hand they acted in the interest of the state and for its welfare; on the other hand they did not, for now we are told that while they helped the state, planning to save it, yet they acted against their own interest and were wrong in tolerating the democracy and in declining to take over the entire power. It is, however, true that the following sentence is in full harmony with this last thought, for Olympiodorus emphasizes (p. 13, 24) that, because (or in spite) of their attitude, Plato does not call them adulators, although Aristeides asserts that he did. For how may those men be called adulators who fell victims to *ἐξοστρακισμός*? Indulging the democratic constitution and democratic institutions against their own interest, they made a great mistake and had to bear the evil consequences which followed. The fact that the object to *καλῶς ἐποίουν* (13, 22) is *τὴν πόλιν*, however, conflicts with this inoffensive argument, and that we can scarcely miss the same object in the opposite case of

κακῶς (ἐποίουν). In view of this dilemma there is only one possibility. We must not assume that ἐαυτοῖς is corrupt but that there is a lacuna before ἐαυτούς. It can be filled easily by <αὐτὴν καὶ>. In so doing we gain the sense which the argument demands, for, tolerating the democracy and not taking over the entire power, they harmed the state and themselves as well. We have already seen that Olympiodorus considers democracy a constitution of very small value in comparison with aristocracy, timocracy, and even oligarchy. To this gradation he looks back, saying that Demosthenes, Pericles, and Themistocles harmed the state because they maintained the democracy. Adding ἐξωστρακίσθησαν he explains why they harmed themselves too.

The examination of the quotations from Aristides and the references to him in Olympiodorus' commentary on Plato's *Gorgias* has thrown an interesting light upon the method followed by the author in working out his explanations. To some extent the result of the examination is also critical, inasmuch as it shows that the last editor did not handle the quotations and references correctly, nor did he realize the importance of this task. The interpretation of the eleven passages of the commentary enables us to understand better, with the help of this special case, one of the stages of the great battle which raged between the representatives of ancient philosophy and rhetoric, which was fought out with vehemence and intensity undiminished since the era of Plato and Isocrates. To the history of Platonism belong also the polemics and attacks directed by the rhetoricians against Plato, the development of which, as a whole, is still an unwritten chapter.⁴⁹ In this chapter, the relations between Olympiodorus and Aristides play a rôle, the importance of which we must not underrate because these relations are of typical value.

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⁴⁹ J. Geffcken, "Antiplatonika," *Hermes*, LXIV (1929), pp. 87-109, limits himself to giving a very brief sketch of this important controversy. On p. 107 and p. 107, n. 5 he touches upon Olympiodorus. The only thing he has to say, however, is "ja noch Olympiodor beschäftigt sich viel mit dem Rhetor von Smyrna." In the note he refers to seven passages and adds: "Diese Kritik ist stumpf und sehr gehässig."

EPIGRAPHICAL EVIDENCE FOR SOCIAL CHARITY IN THE ROMAN WEST.

C. I. L., I², 1212; VIII, 7858; IX, 4796.¹

I

H. Bolkestein devotes nearly four-fifths of a rather large volume to a systematic investigation of charity and poor relief in Egypt, Palestine, Greece, and Rome during the pre-Christian period. While he emphasizes the contrast between the East and West in attitude and practice towards the poor throughout his exposition, he reserves his sixth and final chapter for a detailed explanation of the contrast and for an analysis of the causes which gradually brought about a correspondence between Western and Eastern attitudes and practices.

Bolkestein's thesis is that attitudes and practices towards the poor in East and West were based primarily on the political, social, and economic structure of society. In his own words:

The differences in kind and forms of charity as we have ascertained them can only be explained by the economic, social, and political conditions under which the various peoples lived and which in each case were decisive in fixing the relation between rich and poor. From this point of view there is a noticeable correspondence between conditions in Egypt and Israel on the one hand and in Greece and Rome on the other, but a sharp contrast between the Oriental and Western peoples of Antiquity.²

After reformulating his thesis twenty pages further on,³ he discusses the changed political, social, and economic conditions

¹ The Latin inscriptions in question are cited in support of his thesis by Hendrik Bolkestein (*Wohltätigkeit und Armenpflege in vorchristlichen Altertum* [Utrecht, 1939], pp. 473-4). My colleague, Professor J. M. Campbell, who had been reading Bolkestein in connection with a research project in which he is now engaged, called my attention to Bolkestein's use of three Latin inscriptions as important evidence for one of the leading ideas in his book. My subsequent study of these inscriptions led to the present article.

² Bolkestein, *op. cit.*, p. 449.

³ *Ibid.*, pp. 464 ff.

in Greece and Italy in the last centuries B. C. He admits that great numbers of Orientals flooded Rome and Italy as slaves, but he maintains that the development of a Western attitude towards the poor and poor-relief corresponding to that of the East was due essentially to the fact that the western part of the Roman Empire was becoming economically, socially, and politically more and more like the East.

In this society which was becoming Oriental, the position of the poor in public social policy, in social ethics, and in religion was gradually changing in the direction of Oriental ideology and practice.⁴

He then proceeds to cite examples of changes in social policy, social ethics, and religion in support of his thesis.

While he is forced to concede that obligations of the rich to the poor play a minor rôle in the teachings of the pagan moralists of the first two centuries of our era—Seneca, Epictetus, M. Aurelius, and Plutarch—, he asserts that other ideas (i. e. akin to those of the East) had become motivating factors in the practical ethics of daily life in Italy at an early date, “as we know from inscriptions dating from the end of the Republic.”⁵

The three inscriptions which he cites are the primary concern of the present article. He considers them, especially the third, as very important evidence for his thesis. A study of these inscriptions, however, will show that the first two are much later than the end of the Republic; that the writer of the first was certainly of Oriental descent; that the writer of the second may well have been an Oriental or one influenced directly by Oriental ideas; and that the third inscription, while belonging to the Late Republic, is clearly the funeral inscription of a freedman of Oriental origin. To avoid any misunderstanding, it must be emphasized that Bolkestein cites the three inscriptions as evidence for the *independent* development of ideas in the West corresponding to those in the East. He does not consider even the possibility of any one of the inscriptions emanating from an Oriental in the West or being colored at least by the influence of Oriental thought or environment.

⁴ *Ibid.*, p. 467.

⁵ *Ibid.*, p. 473.

II

The following lines of an inscription, written in hexameters, are cited as the first piece of evidence:

In cunctis simplex contractibus, omnibus aequus
 Ut potui, nec non subveni saepe petenti,
 Semper honorificus, semper communis amicis.⁶

Bolkestein quotes these lines because of the words *nec non . . . petenti*. He feels that they contain a reference to the giving of aid to a poor man seeking help. He admits, however, that *petenti* here cannot be necessarily restricted to mean a poor man, but may have a much more general application. The evidence of these lines for his thesis is, therefore, at best vague and uncertain.

The full text of the inscription, which is preserved only in a manuscript copy, follows:

D. M. Is cuius per capita versorum nomen declaratur, fecit se vibus sibi et suis omnibus, libertis libertabusque posterisque eorum.

Liber nunc curis fuerim qui, respice lector.
 Notus in urbe sacra vendenda pelle caprina,
 exhibui merces popularibus usibus aptas,
 rara fides cuius laudata est semper ubique.

5 Vita veata fuit, struxi mihi marmora, feci
 secure, solvi semper fiscalia manceps,
 in cunctis simplex contractibus, omnibus aequus,
 ut potui, nec non subveni saepe petenti,
 semper honorificus, semper communis amicis.

10 Maior ad [huc] hic laudis honor, potior quoque cunctis
 ipse meis quod constitui tutamina membris
 talia qu[e] feci non tam mihi providus uni,
 heredum quoque cura fuit. Tenet omnia secum,
 re propria quicumque iacet. Me fama loquetur:

15 exemplum laudis vixi dum vita manebat,
 sollicitus multis requiem feci quoque multis.
 L. Nerusius Mithres.⁷

The language of this inscription enables us to establish, at least roughly, a *terminus a quo*. In *vibus* (= *vivus*) in the

⁶ *Ibid.*, p. 473. Cited from Bücheler, *C. E.*, 437, with the remark "Zeit unbekannt."

⁷ The original stone was found at Forum Novum (Magliano). *C. I. L.*, IX, 4796; Dessau, *I. L. S.*, 7542; Bücheler, *C. E.*, 437.

heading and in *veata* (= *beata*), line 5, there is an interchange of *v* and *b*. This phenomenon is found in Vulgar Latin from the beginning of the Empire, but one would not expect to find it in a carefully composed metrical inscription before the end of the second century A. D.⁸ The use of *facere* in the sense of *vivere*, *degere*, as here in the phrase *feci secure*, lines 5-6, belongs to the later Latin. Apart from single occurrences in Alfenus Varus (*Dig.*, XL, 7, 14, 1), Ovid (*Met.*, IV, 292), and Seneca (*Epist.* 66, 4)—in which cases, however, the verb is followed by the nouns *annum*, *quinquennia*, and *dies* respectively—, no citations are given in the *T. L. L.* for this use of *facere* before the end of the second century. The present inscription is cited along with several other pagan and Christian inscriptions which would not seem to be earlier than the third century.⁹

The word *fiscalia*, line 6, furnishes more precise evidence for dating. The adjective *fiscalis* occurs once in Suetonius (*Dom.*, 9, 3) but otherwise is confined to the jurists, beginning with Ulpian, and to later writers. The use of the neuter plural of the adjective as a substantive, as here, is cited first in the *T. L. L.* for a legal collection from the early third century (*Frag. Vat.*, 35, 1) and then for Firmicus Maternus and later writers. The present inscription is listed and is clearly regarded as late.¹⁰

The words *contractibus*, line 7, *communis amicis*, line 9, and *tutamina*, line 11, are also worth studying. *Contractus* in a non-legal sense occurs once in Varro, once in Vitruvius, and twice in Quintilian before Late Latin. In its legal sense of "obligation," as here, it is cited once for Sulpicius Rufus (*apud Gell.*, IV, 4, 2) and once for Labeo (*Dig.*, XVIII, 1, 80, 3) before the great jurists of the second and third centuries and later writers. Furthermore, the plural form is not cited before Gellius (XX, 1, 41).¹¹ The use of *communis* in the sense of *commodus*, *benignus*, *humanus*, followed by the dative, as here, is cited only for Nepos (*Att.*, 3, 1) before Commodian and later writers.¹² The word *tutamen* is rare in Latin. The singular is cited only

⁸ On the interchange of *v* and *b*, see M. Leumann and J. B. Hofmann, *Lateinische Grammatik* (Munich, 1928), p. 130.

⁹ Cf. *T. L. L.*, VI¹, col. 121, 59-80.

¹⁰ Cf. *T. L. L.*, VI¹, col. 821, 15-84, and col. 822, 1-10.

¹¹ Cf. *T. L. L.*, IV, col. 753, 3-67.

¹² Cf. *T. L. L.*, III, col. 1980, 55-68.

for Catullus (64, 324), Vergil (*Aen.*, V, 262), Ambrose (*De Off.*, II, 7, 38), Jerome (*Epist.* 77, 8), and *Schol. Bern.* to Vergil, *Georg.* (IV, 165); the plural, for Arnobius (I, 28, and I, 40) and the present inscription.¹³

The accumulated evidence furnished by the linguistic usage discussed above proves conclusively that the inscription cannot be earlier than the second half of the second century or early third century.

Why Bolkestein did not discuss the author of this inscription—or at least the man for whom it was composed—L. Nerusius Mithres, I do not know. He cites the inscription from Bücheler, *C.E.*, and Bücheler specifically mentions the heading and postscript of this inscription in his notes. The name is fixed beyond doubt, furthermore, by the acrostic character of the inscription.

The *gentilicium* Nerusius is very rare, since this and one other example are the only ones known.¹⁴ The cognomen Mithres is clearly Iranian, being identical with the name of the god Mithras.¹⁵ The use of this name for a person as distinct from its employment to designate a god has never been dealt with systematically except by Pape, but Pape's work is now quite antiquated.¹⁶ The present study, therefore, requires a new investigation of the name in the light of the evidence now available.

¹³ Cf. K. E. Georges, *Ausführliches Lateinisch-Deutsches Handwörterbuch* (2 vols., 8th ed., Hannover and Leipzig, 1913-1918), s. v.

¹⁴ The second example appears in a funeral inscription found at Rusellae in Etruria: *Nerusius Vincentius qui vixit annis XXVII, Aufida Sirica coiux (sic) benemerenti fecit aurifici a lacu callines* (*C. I. L.*, XI, 2619). The editor says that the content of the inscription would suggest a Roman origin but doubts that the stone was transferred from Rome to Rusellae. The same inscription is printed also in *C. I. L.*, VI, 33835, without any reference to *C. I. L.*, XI, 2619. The letters and spelling indicate that it is *recentioris aetatis*. The profession of *aurifex* and the name of the wife point to a present, or at least a recent, freedman status and ultimate Eastern origin. On the *aurifices* in Rome, see note 52 below.

¹⁵ For the spelling with *e* in the last syllable in place of *a*, cf. the two Greek inscriptions from Commagene in W. Dittenberger, *O. G. I. S.*, 383, line 55, and 385, line 7 (inscriptions of Antiochus I of Commagene, first half of the last century B. C.).

¹⁶ Cf. Pape-Benseler, *Wörterbuch der griechischen Eigennamen* (3rd ed., Braunschweig, 1863-1870; reprinted 1911).

Diogenes Laertius (II, 102; X, 4) refers to an Epicurean philosopher of Syrian origin named Mithres who lived at the court of Lysimachus of Thrace in the early part of the third century B. C.; Apuleius uses Mithras as the name of a priest in two passages (*Met.*, 22 and 25); and a bishop Mithras or Mithres of Hypaipa is listed among the fathers of the Council of Nicaea (325 A. D.). All other examples of the name which I have found—some twenty in number—are confined to Greek and Latin inscriptions.

The name occurs in a Delphic inscription of the third century B. C.;¹⁷ in seven inscriptions of Sardis, two of which date from the end of the second century and the last half of the first century B. C. respectively;¹⁸ in an inscription of Rhodes from the first century B. C.;¹⁹ in an inscription of Smyrna of 80 A. D.;²⁰ in an inscription of Athens from the early Principate;²¹ in an inscription of Rome from the early Principate;²² and in three

¹⁷ Cf. *B. C. H.*, LII (1928), pp. 189-90. The inscription is concerned with the grant of proxeny to a number of persons, among them a certain Diodorus, son of Mithres, from Cyzicus in Asia Minor. R. Flacelière, the editor of the inscription, observes that it is not surprising to meet such a Persian name at Cyzicus. His observation applies even better to Sardis.

¹⁸ Cf. the *Publications of the American Society for the Excavation of Sardis*, VII, 1: *Greek and Latin Inscriptions*, edd. W. H. Buckler and D. M. Robinson (Leyden, 1932). No. 5, line 26, contains the name Mithres Didumas Ko. . . . No. 132 refers to a Menophantos son of Mithres, son of Menecrates. No. 224 contains five examples of the name Mithres found on earthenware utensils. It cannot be determined, however, whether the occurrences in these cases refer to the same or to different individuals, and the date is also uncertain.

¹⁹ Cf. *I. G.*, XII, 1, 748; Collitz-Bechtel, *S. G. D. I.*, 4146. The inscription contains the name Mithres Apolloniatas. The Apollonia from which he came cannot be determined with certainty, but was most probably one of the cities of that name in Asia Minor or in the North Aegean area.

²⁰ Cf. *C. I. G.*, 3173. The inscription contains the names of a number of persons concerned with the cult of Dionysos Briseus, among them C. Iulius Fabia Mithres. His Roman name and tribe indicate that Roman citizenship had been conferred on his family, most probably under Tiberius.

²¹ Cf. *I. G.*, III, 2336. A funeral inscription: "Mithres, son of Sosos, an Antiochian."

²² Cf. *I. G.*, XIV, 1815; Kaibel, *Epigramm. Gr.*, 583. This metrical

inscriptions of Thera, one of which belongs definitely to the reign of Marcus Aurelius.²³ Curiously enough, Mithres has not yet appeared as a personal name in the published inscriptions, e.g., of Dura-Europos, or in those so far published in the *Monumenta Asiae Minoris Antiqua*.

Fourteen examples of the name are found in Latin inscriptions and twelve of these come from Rome alone. With one possible exception of earlier date (no. 6 in the Latin list), the Latin inscriptions range from the principate of Claudius to the early third century or later.

The Greek inscriptions refer—where identification of status is possible—to freemen. Of the Latin inscriptions, one refers to a slave and the rest to freedmen. The variety of *gentilicia* in the Latin examples bears interesting testimony to the distribution of slaves at Rome.²⁴

sepulchral inscription honors the memory of Lucius, an *athlotheter* from Smyrna, son of Mithres, *archiereus* of Asia.

²³ Cf. *I. G.*, XII, 3, 479; 662; 718. No. 479 mentions, among others, a Mithres son of Porus, one of the *strategoi* of Thera. No. 662 refers to the same person. No. 718 contains two examples of the name Mithres alone. These perhaps refer to the same person.

²⁴ The occurrences of Mithres as a name for slaves and freedmen in Latin inscriptions are of special interest. I shall indicate, therefore, in full the names of its bearers, adding references to the *C. I. L.* and such comments as appear necessary. Since the index covering *cognomina* in *C. I. L.*, VI, has not yet been published, I have had to compile the present list on the basis of a personal check of the published *Index nominum*. Indications of date will be given whenever possible.

1) P. Aelius Mithres. *C. I. L.*, VI, 10740. The name appears here in a dative form *Mithreti*. His wife's name is Calpurnia Ambrosia.

2) P. Aelius Aug. l. Mithres. *C. I. L.*, VI, 22987. His wife's name is Ninia Marcella.

3) Aelius Mithres Aug. l. *C. I. L.*, VI, 571. He dedicated an altar to Serapis.

The praenomen and the nomen Aelius in these inscriptions indicates that they were freedmen of Hadrian.

4) Calpurnius Mithres. *C. I. L.*, VI, 14174. His wife's name is Marcia Calemera. The name Calemerus, -a, is chiefly confined to slaves. Cf. *T. L. L.*, *Onomasticon*, II, s. v.

5) Ti. Claudius Mithres l. *C. I. L.*, VI, 15016. A freedman of Claudius. A *conlibertus* is called Ti. Claudius Eleutherus.

6) M. Livius Mithres. *C. I. L.*, VI, 21400. Perhaps a freedman of Livia. His wife's name, Iulia Musa, might indicate the Augustan Age also. N.B.: A M. Iulius Mithres appears in the *Index*

In the light of the evidence furnished by our study of the name Mithres, it would seem certain that L. Nerusius Mithres was descended from Oriental ancestors who had been brought to the West as slaves. His obvious freedman name and the corroborating evidence furnished by a study of the other bearers of the same *cognomen* fit in well with such a view.

III

The second piece of epigraphical evidence presented by Bolkestein is a line taken from an inscription found at Cirta in Africa which he cites in this form:

Colui potentes nec despexi pauperes.²⁵

He maintains that the person who expressed himself thus *was*

nominum to *C. I. L.* VI for 21400, but this is obviously an error for M. Livius Mithres which is listed correctly in its own place. The mistake is not noted in the *Corrigenda*.

7) M. Perelius Mithres. *C. I. L.*, VI, 36071. Reference is made in the inscription also to M. Perelius Cerdo. The cognomen Cerdo(n) is chiefly confined to slaves and freedmen. Cf. *T. L. L.*, *Onomasticon*, II, s. v.

8) C. Rutilius Mithres. *C. I. L.*, VI, 1059. Listed as a member of the second cohort of the Vigiles under Septimius Severus and Caracalla (210 A. D.). Service in the Vigiles was open to freedmen.

9) C. Terentius Mithres l. *C. I. L.*, VI, 27195. His patron is C. Terentius Nilus.

10) M. Valerius Mithres. *C. I. L.*, VI, 5344. The inscription comes from a columbarium and is written *litteris pessimis*. The wife's name is Urglania Secunda.

11) Q. Vergilius Mithres l. *C. I. L.*, VI, 33419. From the Columbarium Vergiliorum.

12) M. Ulpius Mithres. *C. I. L.*, VI, 29241. A freedman of Trajan. The genitive has the form Mithres.

13) T. Gavennius Mithres. *C. I. L.*, IX, 3353. His priestly office of *Sevir Augustalis* indicates a freedman status. His wife's name, Vibia Tigris, points also to Oriental origin. For another example of Tigris as the name of a freedman's wife, cf. Dessau, *I. L. S.*, 6699.

14) Mithres, *C. I. L.*, XII, 2348. The inscription of a slave in the service of the *Socii quadragesimae* in Gallia Narbonensis. The slave was apparently a devotee of the Matronae and therefore the inscription could hardly be earlier than the end of the first century A. D. See *R.-E.*, XIV, s. v. *Matres*, col. 2214, no. 58, and col. 2245.

²⁵ Bolkestein, *op. cit.*, p. 473. Cited from Bücheler, *C. E.*, 114, but with no indication that he (Bolkestein) has standardized the orthography.

thinking in terms of classes [the italics are Bolkestein's] and had in mind as objects of his actions two groups which were not previously mentioned in this connection, namely, the rich and the poor. He regards the association of these two groups and the stress on impartiality of attitude towards them as being typically Oriental and especially Egyptian, but as lacking in the moral thinking of the Greeks. He concludes:

We can see here a first symptom of the development of a social ethics such as was unknown in the West but was normal in the East, a symptom for the incipient Orientalization of Western social ethics.²⁶

The line cited by Bolkestein comes from an inscription which is poorly written and badly preserved. In its original form the line reads as follows:

Colui poten<t>es nec dispexsi pau<peres>.²⁷

H. Dessau recognized the line as a senarius and restored it as indicated. The spelling of the original reveals Vulgar Latin characteristics and shows that the inscription is probably not earlier than the second or third century of our era. The spelling *potenes* for *potentes* is undoubtedly due to mere carelessness. The use of *i* for *ē* in the first syllable of *dispexsi*, however, results from a falling together of *ē* and *i* in pronunciation, a phenomenon characteristic of the later Vulgar Latin.²⁸ The spelling *xs* for *x*, as here, is found from the early second century B. C. but only becomes common in the Vulgar Latin inscriptions of the first and second centuries of our era.²⁹

²⁶ Bolkestein, *ibid.*

²⁷ *C. I. L.*, VIII, 7858; Bücheler, *C. E.*, 114.

²⁸ On the falling together of *ē* and *i* in Vulgar Latin, cf. W. M. L. Lindsay, *The Latin Language* (Oxford, 1894), p. 22; F. Sommer, *Handbuch der lateinischen Laut- und Formenlehre* (Heidelberg, 1902), p. 77; C. H. Grandgent, *An Introduction to Vulgar Latin* (Boston, 1907), p. 83; E. H. Sturtevant, *The Pronunciation of Greek and Latin* (2nd ed., Philadelphia, 1940), pp. 109-10. For copious examples cf. Dessau, *I. L. S.*, III, 2, pp. 820-1; E. Diehl, *Vulgärlateinische Inschriften* (Bonn, 1910), p. 161.

²⁹ On the spelling *xs* for *x* in Latin inscriptions, cf. Lindsay, *op. cit.*, pp. 5 and 107. For copious examples, cf. Dessau, *I. L. S.*, III, 2, pp. 837-8 (through a misprint the heading reads *XS pro S* in place of *XS pro X*); Diehl, *op. cit.*, p. 165.

But apart from the question of date, Bolkestein was scarcely justified in quoting an inscription, and especially one in which no names can be read, from Cirta in Africa as good evidence for the point which he wished to make. Whether Cirta was originally a Punic foundation is a moot question, but it is definitely established that its culture in the last centuries B. C. was thoroughly Punic. In fact some of the most valuable Punic inscriptions have been found at Cirta. Italians were settled in the town from the end of the second century B. C. and a Roman colony was founded there in Caesar's time. But the Punic tradition persisted; native and Roman amalgamated with unusual slowness in this region. We cannot speak of a flourishing Latin culture at Cirta before the middle of the first century of our era, and we know that even as late as St. Augustine's time the Punic influence was still strong. The history of pagan religious cults in North Africa in the early centuries of our era reveals that the adoption of the Latin language did not change basic religious ideas and customs, and we have every right to assume that the same was true of social life and attitudes in general.³⁰ It would seem better, therefore, to consider the thought expressed in *Colui . . . pauperes* as being typical of a man of Oriental origin or at least of one definitely influenced by an Oriental environment. Bücheler apparently felt that there was an Oriental flavor in the line, for he calls attention in a note on the inscription to the striking parallel between the words *dispersi pauperes* and Proverbs 17, 5, *Qui despicit pauperem. . .*³¹

IV

The third piece of epigraphical evidence cited by Bolkestein, and the one which he regards of the most importance, is a funeral inscription of a certain freedman, C. Atilius Euhodus, a pearl dealer, who lived on the Sacra Via in the last decades of

³⁰ On the Punic culture of Cirta in the period of the Roman Republic, cf. S. Gsell, *Histoire ancienne de l'Afrique du Nord*, III (3rd ed., Paris, 1928), p. 307; IV (2nd ed., 1929), pp. 288, 330, 420; V (1927), pp. 272-6; VI (2nd ed., 1929), pp. 75, 110-13, 115, 249; VII (2nd ed., 1930), pp. 107-22. On the persistence of Punic influences in North Africa under the Empire, cf. E. Albertini's chapter on Africa, Spain, and Gaul in *C. A. H.*, XI, pp. 479-510, especially 481-91.

³¹ Cf. Bücheler, *C. E.*, 114.

the Republic. The full text of the inscription—also given by Bolkestein in a footnote, where he again stresses its historical significance—follows:

Hospes resiste et hoc ad grumum ad laevam aspice,
ubei / continentur ossa hominis boni misericordis
amantis / pauperis.

Rogo te, viator, monumento huic nil male feceris./

C. Ateilius Serrani l. Euhodus margaritarius
de Sacra / Via, in hoc monumento conditus est.

Viator, vale! / Ex testamento in hoc monumento
neminem inferri neque / condi licet, nisei eos
lib. quibus hoc testamento dedi tribuique.³²

Before discussing the inscription it will be well to quote Bolkestein's comment in full:

A direct example for this [the Orientalization of Western social ethics] is found in the funeral inscription of C. Atilius Serrani l. Euhodus, who towards the end of the Republic was a jeweler on the Sacra Via. It is indicated that the dead man was a *homo bonus, misericors, amans pauperis*; "fine" is more precisely explained as merciful and this again is equated with *kind to the poor* [the italics are Bolkestein's]. *Here we have the earliest Western example for the Oriental view, in accordance with which ἐλεημοσύνη, mercy, consists primarily in compassion on the poor and manifests itself in almsgiving* [the italics are Bolkestein's]. It is of special significance that the praise, *amans pauperis*, appears in a pagan inscription, therefore in a sphere outside of all Christian influence, an early forerunner of those *amatrices pauperum* and *pauperum amatores* which we meet so often in Christian inscriptions.³³

³² C. I. L., I², 1212; VI, 9545; Dessau, I. L. S., 7602; Bücheler, C. E., 74; E. Diehl, *Altlateinische Inschriften* (2nd ed., Bonn, 1911), 580. The spelling, lettering, and reference to the Atilii Serrani all show that the inscription belongs to the last decades of the Republic.

N. B.: In the T. L. L. (I, col. 1958, 35-37) *amantis* in this inscription is taken as parallel in syntactical construction with *pauperis* and a comma is placed after it. This gives a false meaning, since *pauperis* should certainly be construed as a genitive depending on *amantis*. For an opulent pearl dealer to call himself poor would be absurd. The use of *pauperis* for *pauperum* is unusual, but, as Bolkestein himself points out in a note, it may be easily explained as being due to the influence of the preceding adjectives in the singular. For examples of the phrases *amator pauperum*, *amatrix pauperum*, etc., in Christian inscriptions, cf. Diehl, I. L. C. V., III, p. 319, s. v. *amator*, and p. 376, s. v. *pauper*.

³³ Bolkestein, *op. cit.*, pp. 473-4.

Bolkestein's comment on this inscription has been given wide circulation in the English speaking world through the special mention given to it by Professor Arthur Stanley Pease in his review of Bolkestein's book published in the *American Journal of Philology* in 1942. Professor Pease apparently accepted Bolkestein's view, for he writes:

The earliest occidental example of the oriental attitude towards almsgiving is the case of C. Atilius Euhodus (Dessau, 7602); later, especially with the rise of Christianity the West in this respect became more orientalized.³⁴

An examination of this inscription, however, makes it clear that C. Atilius Euhodus was of Oriental origin, a former slave or the son of a former slave. The inscription, therefore, cannot furnish any proof for the Orientalization of Western social ethics in Bolkestein's sense. It simply indicates—and this is interesting and important enough—that the Orientals brought their ideas and their practices with them to the West and occasionally referred to them on their gravestones.

C. Atilius Euhodus was a freedman of a member of a prominent Republican family, the Atilii Serrani. In receiving his freedman status he retained or was forced to retain his slave name as a *cognomen*. A study of this obviously Greek name, therefore, should give us some information about him. It will be convenient to begin with an examination of the occurrences of the name and its derivatives in the regions west of Greece during the period of the Roman Republic and Early Empire.

The indices to the first volume of the *C. I. L.*, which covers Latin inscriptions to the death of Caesar, have only one entry under Euhodus, namely, the person mentioned in the inscription under discussion. A consultation of the indices, so far as they are available, to Vols. II-XVI of the *C. I. L.*, and of the indices to Dessau, *I. L. S.*, indicates that the name Euhodus and its derivatives are very common, especially at Rome, during the first two centuries of the Empire, but are confined almost entirely to urban slaves and particularly freedmen. A cursory examination of the *Index nominum* to *C. I. L.*, VI, for example, has furnished the following rather striking information. The *cognomen* Euhodus appears twenty-nine times; the feminine

³⁴ A. J. P., LXIII (1942), pp. 378-9.

name Euhodia, thirty-eight times; the name Euhodianus, four times; and the names Euhodius and Euhodion, once each. The bearers of the name Euhodus or its derivatives are distributed under forty-two different *gentilicia*.³⁵ The indices to *I. G.*, XIV, which covers the Greek inscriptions of Sicily and Italy, furnish control of at least eight occurrences of the name Εὐόδος or its derivatives. No inscription is probably much earlier than the beginning of the Principate, and five out of the eight inscriptions were found in Rome.³⁶ The earliest references in our Greek and Latin literary sources to persons named Euhodus, etc., in the West are concerned with freedmen under Tiberius and Claudius.³⁷

The earliest known occurrence of the name Εὐόδος or its derivatives in Greece or the Greek-speaking East is in an inscription found at Iulis on the island of Ceos, dating from the end of the fourth century B. C.³⁸ But, outside of Egypt, the examples of the name in Greek sources are extremely rare before the middle of the first century of our era.³⁹ In Egypt the name appears

³⁵ It must be emphasized that the *Index nominum* enables one to control only those *cognomina* which are accompanied by *gentilicia*. When the *Index cognominum* to *C. I. L.*, VI, is published, a number of additional examples of Euhodus, Euhodia, etc., as slave names will very probably be brought to light.

³⁶ Εὐόδος: *I. G.*, XIV, 639 (Petelia in South Italy); 1636 ("Εδυκος Εὐόδου an ambassador from Phanagoria in the Crimean Bosporus, Rome); 2276 (Liguria, the reading is uncertain). Εὐοδία: 855 (Puteoli); 1108b (Rome); 1745 (Rome). Εὐόδιος: 1794 (a very interesting metrical inscription of an Egyptian, Χρόνιος καὶ Ἀπρεμίδωρος Εὐόδιος, Rome); 2710, 7, and 822 (the same inscription is printed twice; from Naples). Εὐοδίων: 1859 (Rome).

³⁷ Cf. *R.-E.*, VI, col. 1154, s. v. "Euodos," no. 2.

³⁸ Cf. *I. G.*, XII, 5, 609, line 19. The heading of the inscription is lost but the names listed are clearly those of citizens of Iulis. F. Bechtel and A. Fick state (*Die griechischen Personennamen* [2nd ed., Göttingen, 1894], p. 117) that this is the first known occurrence of the name, and Bechtel cites the same example as the earliest known instance of the name in his last work on Greek names (*Die historischen Personennamen des Griechischen bis zur Kaiserzeit* [Halle, 1917], p. 173). It is hardly necessary to observe that the treatment of the name and its derivatives in Pape-Benseler, *Wörterbuch der griechischen Eigennamen* (3rd ed., Braunschweig, 1863-1870; reprinted 1911), is completely antiquated. The same is true of the article "Euhodus" in Forcellini-Perin, *Onomasticon Totius Latinitatis* (Padua, 1875).

³⁹ Kirchner's *Prosopographia Attica*, the indices to *I. G.*, I and II, and

with some frequency in inscriptions of the third and second centuries B. C. as a cult-name or epithet of the God Pan.⁴⁰ Even under the Early Empire the occurrences of the name *Εὐόδος* or its derivatives are comparatively rare in Greece and the East except at Athens.⁴¹

the indices to Collitz-Bechtel, *S. G. D. I.*, contain no examples of the name in any form; Dittenberger, *S. I. G.*², has one example (no. 868, a manumission at Calymna in the time of Claudius) of the feminine name *Εὐοδία*, but the only example in *S. I. G.*³ is late (no. 904, referring to Euodus, consul in 386 A. D.). All examples of the name in any form in Dittenberger's *O. G. I. S.* are confined to Egypt. But the name is found in an inscription discovered at Naxos dating from the last century B. C. (*I. G.*, XII, 5, 39, line 14), and the derivative form *Εὐόδιος* (or *-ias*) occurs in an inscription from Cyzicus in Asia Minor dating from the second or first century B. C. (cf. A. Dain, *Inscriptions grecques du Musée du Louvre: Les textes inédits* [Paris, 1933], no. 38). Outside of Egypt, I have not noted any further examples which can be definitely assigned to the pre-Christian period.

⁴⁰ For a list of the Egyptian examples, cf. F. Preisigke, *Wörterbuch der griechischen Papyrusurkunden*, III (Berlin, 1931), p. 388. To Preisigke's list of references may now be added a new inscription edited by Dain, *op. cit.*, no. 169, 2 (second half of third century B. C.). For the cult of Pan Euodos in Egypt, cf. *R. E.*, VI, col. 1154. It should be noted that the *Εὐοδία* mentioned in a Greek votive inscription found in Egypt (*O. G. I. S.*, 77, 217 B. C.) is not to be connected immediately with the feminine name *Εὐοδία*, which becomes very common in the first century of our era. This name is probably best taken as the feminine of the adjective *Εὐόδιος*, although F. Bechtel (*Die attischen Frauen-namen nach ihrem Systeme dargestellt* [Göttingen, 1902], p. 134) maintains that it comes from the noun *εὐοδία*. *Εὐοδία* in the Egyptian inscription is clearly a personification of this common noun. Moulton and Milligan (*Vocabulary of the Greek Testament* [London, 1929], s. v.) and Preuschen-Bauer (*Griechisch-deutsches Wörterbuch zu den Schriften des Neuen Testaments* [3rd ed., Giessen, 1937], s. v.) identify the personified noun and the feminine name based on the adjective, but Jones and McKenzie (s. v. *εὐοδέω*) distinguish the two.

⁴¹ For Greece and the East, apart from Athens, I have noted only the following instances. *Εὐόδος*: *I. G.*, V, 2, 369 (Mantineia); IX, 1, 882, 883 (Coreyra, end of second century A. D.); IX, 2, 1232 (Thessaly); XII, 1, 893 (Rhodes); XII, 3, 1263 (Nisyros); XII, 7, 271 and 384 (Amorgos); XII, 9, 11 *bis* (Euboea); *C. I. G.*, 4303k (Sura in Lycia); *C. I. G.*, 5286 (Teuchiris [Arsinoe] in Cyrenaica, under Augustus or Tiberius); B. Latyshev, *Inscriptiones Antiquae Orae Septentrionalis Ponti Euxini Graecae et Latinae*, IV, 468b (Theodosia in the Crimea, third century A. D.); *B. C. H.*, XLVI (1922), p. 415 (Caria); J. Hondius, *S. E. G.*, I (1923), no. 330, line 70 (Thrace, 138 A. D.);

The indices to *I. G.*, III, show a relatively large number of examples of the name and its derivatives in Attic inscriptions from about the middle of the first to the middle of the third century of our era. An examination of the inscriptions concerned—primarily ephebic lists, but including two lists of prytanizing tribes, a few sepulchral inscriptions, and one votive inscription—indicates that some bearers of the name were foreigners or at least of foreign origin. Athens was truly a university city under the Early Empire and students flocked thither from all parts of the Mediterranean World. Since the ethnic is regularly omitted in ephebic lists of the imperial age, and since frequently an *ephebus* is indicated by a single name

S. E. G. II (1924), no. 556 (first century A. D., reëdited from Le Bas-Waddington, III, 351); *S. E. G.*, VI (1932), no. 702 (Caria). Latyshev (*loc. cit.*) states that this was the only occurrence of the name Εὔδοος which he had noted in the Bosporan inscriptions. An ambassador from Phanagoria in the Crimea, however, is mentioned in a Greek inscription of the early Principate found at Rome. Cf. *I. G.*, XIV, 1636, cited in note 36 above. Εὔδοια: *I. G.*, V, 2, 277 (Mantineia); XII, 5, 386 and 387 (Paros); XII, Suppl., 523 (Seyros); *C. I. G.*, 3002 (Ephesus, second century A. D.); *B. C. H.*, LVIII (1934), p. 342 (Caria); Dain, *op. cit.*, p. 42 (Pergamum); St. Paul, Phil., 4, 2.

The study of the name Εὔδοια in St. Paul, Phil., 4, 2, made by Theodor Zahn was admirable for its time but is now antiquated, especially on the Latin side. Cf. Theodor Zahn, *Introduction to the New Testament*, translated from the third German edition, three volumes (Edinburgh, 1909), I, § 30, 533. Moulton and Milligan, *op. cit.*, and Preuschen-Bauer, *op. cit.*, both cite Zahn and add very little new material.

Εὔδοιος: *P. Lond.*, II, p. 34, no. 258, 193, first century A. D. (F. Preisigke, *Namenbuch* [Heidelberg, 1922] p. 113); Philo, *In Flacc.*, 10; Eusebius, *H. E.*, III, 22; in the form Εὐώδιος, *B. G. U.*, III, 7933, third century A. D. (Moulton-Milligan, *op. cit.*, s. v.). Εὔδοιανός: *I. G.*, VII, 25 (Megara, second century A. D.); Philostratus, *Vit. Soph.*, II, 16 (second century A. D.). Εὔδοίων: *I. G.*, V, 1, 1398 (Messenia, 246 A. D.); XII, 2, 404 (Mytilene, first century A. D.).

I have not attempted to cover completely the widely scattered publications containing the Greek and Latin inscriptions of Asia Minor or Syria. I have checked sufficiently, however, to be reasonably sure that the extant examples of the name Εὔδοος and its derivatives in these regions are rare. Thus, there is no trace of such examples to date at Miletus, at Sardis, in the various centers covered in the *Monumenta Asiae Minoris Antiqua*, in Waddington's *Recueil des inscriptions grecques et latines de la Syrie* or in *Publications of the Princeton University Archaeological Expeditions to Syria* (Leyden, 1907-1922), at Dura-Europos, etc.

only, it is impossible to determine the city of origin of the great majority of the foreign *ephebi* of this period. Moreover, apart from the *ephebi* listed specifically as foreigners under the general headings of *Milesioi* or *Epengraphoi*, there were undoubtedly many foreigners who were given, or who bought, Athenian citizenship and were enrolled among the *ephebi* of the Athenian tribes.⁴² The name *Eὔδοτος* appears approximately fifty times in the extant ephebic lists of Athens for the first, second, and third centuries of our era; the name *Eὔδοτιανός*, at least six times; and the name *Eὔδοτιων*, once.⁴³ The name *Eὔδοτιος* does not appear in the lists. The great majority of the *ephebi* named *Eὔδοτος* are listed as Athenian citizens, and we are forced to assume that they are such in the absence of some definitive evidence to the contrary. In the following cases the bearers of the name *Eὔδοτος* are clearly foreigners. In *I. G.*, II², 1996 (84/5-92/3 A. D.), two instances (lines 161 and 231) fall under the heading *Milesioi*; in 1999 (end of the first century of our era), one instance under the heading *epengraphoi*; in 2030 (118/19 A. D.), apparently the same person listed in 2026; in 2103 (172/3 A. D.), two instances (lines 244 and 275) under *epengraphoi*; in 2106 (178/9 A. D.), one instance under *epengraphoi*. It is worth noting that there is no trace of Roman *praenomina* or *gentilicia* among the numerous bearers of the name *Eὔδοτος* in the ephebic lists. The *ephebi* named *Eὔδοτιανός* and the *ephebus* named *Eὔδοτιων* are listed

⁴² On the enrollment of foreigners in the Athenian ephebic lists in the Roman period, cf. especially O. W. Reinmuth, *The Foreigners in the Athenian Ephebia* (*University of Nebraska Studies in Language, Literature, and Criticism*, no. 9 [Lincoln, Nebraska, 1929]), and P. Graindor, *Athènes de Tibère à Trajan* (*Université Égyptienne, Recueil de travaux publiés par la Faculté des Lettres*, huitième fascicule [Cairo, 1931]), pp. 85-95. P. Graindor, *Athènes sous Hadrien* (Cairo, 1934), was not available.

⁴³ For the ephebic inscriptions containing one or more instances of the name *Eὔδοτος*, cf. *I. G.*, II², 1973, 1996 (*quater*), 1999, 2001, 2017, 2019 (*bis*), 2022, 2026, 2030, 2044, 2051 (*ter*), 2049 (*bis*), 2050, 2052, 2058, 2066, 2068 (*ter*), 2085, 2086, 2097, 2103 (*ter*), 2113, 2120, 2122, 2124, 2130, 2132, 2160, 2193, 2201, 2208, 2211, 2239, 2245, 2278 (*bis*).

For the name *Eὔδοτιανός* which appears first in a list of 150/1 A. D., cf. *I. G.*, II², 2065, 2128, 2130, 2208, 2237, 2245; and for the name *Eὔδοτιων*, which first appears in the list of 245/6 A. D., cf. *I. G.*, II², 2243.

In the following inscriptions only the letters *Eὔδο-* can be read: *I. G.*, II², 2089, line 75; 2476. In 2089 the bearer of the name is listed under the *Epengraphoi*.

as Athenians, and in only two cases (2208, line 115, 212/13 A. D., and 2243, line 81, 243/4 A. D.) is a Roman *gentilicium*—the typical Aurelius in both cases—combined with the names mentioned.

There are two occurrences of Εὐδοῦς as a father's name in prytany lists of the second century of our era. Whether the father in each case was an Athenian citizen cannot be determined.⁴⁴ The names Εὐδοῦς and Εὐδοία appear five times each in Athenian sepulchral inscriptions of the imperial age, and four out of the ten cases clearly involve foreigners: one Antiochian, and three Milesians.⁴⁵ Finally the single name Εὐδοῦς occurs in a dedicatory inscription to "the highest" (*sc.* god or Zeus). In this instance, of course, one cannot tell whether the worshipper was a native or a foreigner.⁴⁶

Unless it is due to mere accident that the name Εὐδοῦς or its derivatives has not yet been found at Miletus itself,⁴⁷ the designation of certain bearers of the name in the ephebic lists and in sepulchral inscriptions as Milesians might well lend support to the view that "Milesian" at Athens, at least in the Roman period, was often used as a general term for "foreigner."⁴⁸

How shall we interpret the evidence for the occurrences of the name Εὐδοῦς and its derivatives presented in summary fashion here? Since the name in any form is very rare in Greece and in the Aegean islands before the middle of the first century of our era, it seems hardly possible that the slave and

⁴⁴ Cf. *I. G.*, II², 1770, line 10, *ca.* 150 A. D., and 1794, line 38, *ca.* 180 A. D. In the second case we must depend on the copy given by Fourmont.

⁴⁵ In two cases the bearers of the name Εὐδοῦς may be Athenians. Cf. *I. G.*, III, 2-3, 1979 (the reading is very uncertain) and *ibid.*, 2103 (Marcos Pompeios Euodos, a typical Roman freedman name). For the four instances of Εὐδοία as a name for native Athenians, cf. *I. G.*, III, 2-3, 1795, 1888 (listed by mistake in the index as 1883), 2079, and 3160 (fragmentary and doubtful). For the Antiochian named Εὐδοῦς, cf. *ibid.*, 2320. Three persons designated as Milesians, one man and two women, have Εὐδοῦς as a father's name; cf. *ibid.*, 2618, 2684, and 2816.

⁴⁶ Cf. *I. G.*, III, 1, 149. It may be noted here that only one example of the name Εὐδοῦς has appeared to date in the new Athenian inscriptions published in *Hesperia*. Cf. *Hesperia*, II (1942), p. 96 (in an Attic catalogue, middle of second century after Christ).

⁴⁷ Cf. note 41 above.

⁴⁸ Cf. Reinmuth, *op. cit.*, pp. 32-4 and 40-6; Graindor, *op. cit.*, p. 88.

freedman bearers of the name in Rome and other Western cities came from Greece proper. We should most probably look for the original homes of its bearers, so far as Rome is concerned at least, in Asia Minor, Syria, or Egypt.

Such a view would fit in very well with what we know of the sources of Roman slaves in the late second and first centuries B. C. Apart from the flourishing slave trade carried on by the pirates in the Eastern Mediterranean, who gathered in luckless victims from the northern coasts of the Black Sea to Alexandria, large numbers of Greek-speaking slaves from Asia Minor and Syria were put on the Western market as a result of the Mithridatic wars and the victorious campaigns of Sulla and Pompey. In this connection it is worthwhile to recall T. Frank's axiomatic statement that, when the name of a slave or a freedman at Rome is Greek, "as a very large proportion of slave and freedmen names actually are, we may also infer that the bearer came from or at least by way of that part of the slave-producing world in which Greek was the language of commerce, that is Asia Minor and Syria."⁴⁹

It must be admitted, however, that actual proof for the occur-

⁴⁹ On the sources of Roman slaves in the second and first centuries B. C. and in the first century A. D., and on the evidence furnished by slave names, cf. T. Frank, *An Economic History of Rome* (2nd ed., Baltimore, 1927), pp. 202-18, especially pp. 212-13; *idem*, "Race Mixture in the Roman Empire," *A. H. R.*, XXI (1916), pp. 689-708; M. Bang, "Die Herkunft der römischen Sklaven," *Röm. Mitt.*, XXV (1910), pp. 223-51, and XXVII (1912), pp. 189-221; M. L. Gordon, "The Nationality of Slaves under the Early Roman Empire," *J. R. S.*, XIV (1924), pp. 93-111; R. H. Barrow, *Slavery in the Empire* (New York, 1928), pp. 1-21 and 208 ff.; A. M. Duff, *Freedmen in the Early Roman Empire* (Oxford, 1928), pp. 1-11. Miss Gordon's article contains some good constructive criticism of the more extreme views of Frank and Bang. Barrow and Duff in the sections of their books indicated add little or nothing that is really new. Miss Gordon refers casually to the occurrence of the slave name Euhodion in a Latin inscription, but otherwise the name Euhodus or its derivatives is not mentioned in any of these studies. Lambertz in his study of Greek slave names includes among them *Eūodos* and *Eūodía*, citing as evidence two manumissions from Calymna which belong to the early Principate. He does not advert to the fact, however, that the earlier bearers of these names in the Greek world were freemen. Cf. Max Lambertz, *Die griechischen Sklavennamen* (LVII. Jahres-Bericht über das k. k. Staatsgymnasium . . . Wien [Vienna, 1906-1907]), pp. 26-8.

rence of such names in Asia Minor, Syria, or Lower Egypt is often lacking, owing to the relative paucity of the extant epigraphical and literary evidence. Curiously enough, as already stated above, I have not found a single instance of the name *Εὐόδος* in the published Greek inscriptions of Syria and very few in those of Asia Minor.⁵⁰ The name occurs with some frequency in Upper Egypt, it is true, but in the period before our era almost entirely as an epithet of the god Pan.

Interesting and valuable as the evidence supplied by a study of the name Euhodus may be as an indication of Eastern origin, much greater weight is to be placed in this particular case on the statement in the inscription that C. Atilius Euhodus was a *margaritarius*, a pearl-dealer.

The chief sources of valuable pearls in antiquity were India and the Persian Gulf, and the knowledge of and the demand for pearls were confined to Mesopotamia, Iran, and India until the conquests of Alexander the Great. Thereafter, the pearl was eagerly sought and esteemed as the most precious of jewels throughout the Hellenistic world. The Romans do not seem to have become acquainted with it before the end of the second century B. C. The treasure of Jugurtha and Pompey's conquest of the East spread knowledge of this new article of luxury and enthusiasm for it, and Romans paid fabulous prices for pearls. Suetonius (*Caes.*, 50) tells us that Caesar, e. g., gave a pearl costing six millions of sesterces to the mother of Marcus Brutus.⁵¹

It was only natural, under the circumstances, that a flourishing traffic in pearls should develop at Rome in the last century before our era and under the early Empire. Fortunately epigraphy has given us much precious information on the manufacture of and trade in jewelry during the period mentioned. H. Gummerus has gathered and published all the available evidence in

⁵⁰ Cf. note 41 above.

⁵¹ On the knowledge and use of pearls among the Greeks and Romans, cf. the article "Margaritae" in *R.-E.*, XIV, cols. 1682-1702, especially 1685 ff. and 1694 ff. Unfortunately the article "Margaritarius" (*ibid.*, col. 1702) is quite inadequate—only six lines—and has a bad slip in the most important reference: *C. I. L.*, X, 9545-9549, in place of *C. I. L.*, VI, 9545-9549. The *margaritarii* are well covered, however, in the study of H. Gummerus cited in the following note.

an excellent study in *Klio*.⁵² Rome was the chief center of gold and silver work and almost the exclusive center of the pearl trade in the West. The jewelers in Rome were concentrated on the Sacra Via. The great majority of names in the inscriptions studied by Gummerus are those of freedmen and the names of these freedmen are almost exclusively of Greek or Oriental origin.

While there is no formal reference to the land of origin of the *margaritarii* except in one case, where we are probably justified in reading *Nicaeus*, i. e. from Nicaea in Asia Minor (Nos. 118 and 98), there is every reason to believe that the opulent freedmen *margaritarii* with Greek names who conducted their business on the Sacra Via in Rome had been brought to the West as slaves or were the descendants of slaves, from Asia Minor, Syria, or Egypt.⁵³ In this connection it may be recalled

⁵² Cf. H. Gummerus, "Die römische Industrie. Wirtschaftsgeschichtliche Untersuchungen, I: Das Goldschmied-Juwelergewerbe," *Klio*, XIV (1915), pp. 129-89; *ibid.*, XV (1918), pp. 256-302. In this study he has published in full the texts of 184 pertinent inscriptions. Of these, thirteen found at Rome (nos. 7, 21, 96, 97, 98, 99, 100, 101, 111, 118, 123, 124, 134), one near Tusculum (no. 156), one at Aquileia (no. 158), and one at Merida in Spain (no. 165) refer definitely to *margaritarii*. Whether two additional inscriptions found at Rome (nos. 38 and 43) refer to *margaritarii* is doubtful. Of the Roman *margaritarii* at least seven were settled in the Sacra Via. The inscriptions range in date from the end of the Republic to the period of the Antonines, that under discussion in the present article (no. 97) being the earliest.

Gummerus has also given a tabular summary of his findings on the status and origin of the goldsmiths and jewelers in the West in his article, "Industrie und Handel," *R.-E.*, IX, cols. 1381-1535, especially 1504. This tabular summary is reproduced by A. M. Duff, *op. cit.*, p. 113.

⁵³ Gummerus has presented the results of his investigation in convenient tabular form (*Klio*, XV, pp. 267-78). In the case of the *margaritarii* at Rome, one is a slave, eleven are freedmen, and one is a freeman—but undoubtedly the son of a freedman. The *margaritarii* at Rome have Greek *cognomina*, with two exceptions. Two men bear the Latin *cognomina* Hilarus and Speratus respectively (nos. 111 and 124), but both are common slave names and the contexts of the inscriptions concerned point definitely to an Eastern origin.

It is worth noting that a second example of the name Euhodus appears in no. 134: [L. Tampius L. 1.?] / Euhodus m[argari] / [t] arius de Velabr[o] / sibi et Tampiae L. 1. / Stratonice. . . . This inscription belongs to the first century of the Empire.

In this connection attention may be called also to a Euodos who was

that the great centers of the jewelry industry in the East were Alexandria, Antioch, and Ephesus, and that the first two were undoubtedly the principal Eastern centers of the pearl trade. It is obvious that only Easterners would have an expert knowledge of pearls. Gummerus, on the basis of the epigraphical evidence, states that the craftsmen and dealers in the jewelry business as a whole in Rome were of Eastern origin and that their ranks had to be repeatedly renewed by new workers from the East. The jewelry industry was and remained exotic at Rome.⁵⁴

In the light of our examination of the name, freedman status, and especially the occupation of C. Atilius Euhodus, it would seem very reasonable to conclude that he was originally a slave, or the son of a slave, from Asia Minor, Syria, or Egypt, and that, along with an expert knowledge of pearls, either he or his father had carried with him an attitude toward the poor which was long familiar in his Eastern home but was as yet strikingly novel in the West.

V

Hence, the three Latin inscriptions presented by Bolkestein, and in particular the last, which he regarded as of primary importance, cannot be used as evidence for his thesis. Fortunately, so far as I can judge by a rapid reading of his book, he has been more critical in the handling of source material elsewhere.

Yet his book has two general defects. In the first place, he has become so preoccupied with his thesis that the approximation of the political, economic, and social structure of the West to that of the East led to corresponding attitudes towards the poor and poor relief that he has neglected or ignored the possibility of the presence and wide diffusion of Oriental ideas and practices in the West through the medium of slavery in the last

a gem engraver in the age of the Flavian emperors (cf. *R.-E.*, s. v. "Euodos," no. 6) and to a Euhodia who owned a glass manufacturing establishment in the third century A. D. (cf. *R.-E.*, Suppl. III [1918], s. v. Euhodia).

As regards the *margaritarii* outside of Rome, L. Novius Sabinus of Tusculum (no. 156) and L. Valerius Primus of Aquileia (no. 158) have the names of freeborn Romans, while Silvanus, son of Aristaeus, of Merida, is a freeman of Greek origin, but not a Roman citizen (no. 165).

⁵⁴ Cf. Gummerus, *Klio*, XV, pp. 284-8, especially 288.

century and a half of the Roman Republic and under the early Principate. In the second place, although the first centuries of Christianity do not fall within the scope of his book, he makes certain comparisons and sweeping generalizations involving this period which are subject to serious modification or correction.⁵⁵

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NOTE ON A. P., V, 62.

Ἀντιγόνη, Σικελὴ πάρος ἦσθά μοι· ὥς δ' ἐγενήθης
Αἰτωλὴ, καὶ γὰρ Μῆδος, ἰδοῦ, γέγονα.

Waltz offers the following explanation of this erotic epigram of Marcus Argentarius (6th cent. A. D.): Calembours étymologiques: Αἰτωλὴ = αἰτοῦσα (quémandeuse), Μῆδος = μὴ δούς (qui ne donne pas). Il n'est pas impossible qu'il y ait dans l'emploi de Σικελὴ un jeu de mots analogue ou tout au moins un double sens qui nous échappe.¹

It is obvious that a play on the word Σικελὴ is essential for the understanding of the epigram. If we assume that Σικελὴ = σιγηλή (cf. σίκλος = σίγλος [Liddell-Scott⁹, s. v.]), the epigram becomes clear. The point is brought out in the following paraphrase: Antigone, when I asked you before, you were silent (σιγηλή). Now that you ask (αἰτοῦσα), I refuse (μὴ δούς).

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⁵⁵ On his erroneous assumption, e.g., that Christian compassion for the poor and Christian love of neighbor are completely identical, cf. J. M. Campbell, "Pre-Christian Charity," *The Catholic Charities Review*, XXIX (1945), p. 33.

¹ *Anthologie Grecque*, Tome II (Livre V) (Paris, 1929), p. 44.

RELICS OF *MERGUS*, *MERGULUS*, AND *MŪCRŌ* IN IBERO-ROMANCE.

Portuguese *mergulhar*, Spanish *somorgujar* "to dive," and their cognates represent the unusual case of a word family, at first sight etymologically transparent, which, however, has not yet been accurately retraced to its Latin base for want of an adequate analysis of the derivational elements involved. That these formations were somehow related to Latin *mergere* and *mergus* was known to Renaissance scholars,¹ including Covarrubias.² The missing link in the genealogy seems to be *mergulus*, recorded with the two meanings "wick of a lamp," in glosses, and "diver" (a kind of water fowl, *aīθvia*), again in glosses and also twice in the Vulgate.³ The variant form *mergula*, standing for the bird, was quite infrequent.⁴ *Mergus*, which underlies the diminutive formations, was used for "vine-layer" by Columella and Palladius and for "diver" by Varro, Vergil, Ovid, Horace, Pliny, Apuleius, and Sulpicius Severus; also, in a figurative sense (*mergus agrarius*), by Lucilius; the meaning "bucket," found in medieval texts, was not known to antiquity.⁵ The idea around which these various semantic offshoots appear to center was that of placing something beneath the surface (either of the sea, or of the oil in the lamp, or else of the soil of the vineyard).

Mergulus, although casually mentioned by Romance scholars,⁶

¹ On this stem, see Ernout-Meillet, *Dictionnaire étymologique de la langue latine* (2nd ed., Paris, 1939), p. 610.

² S. de Covarrubias Orozco, *Tesoro de la lengua castellana* (2nd ed., Madrid, 1673-1674), II, fol. 178v.

³ Leviticus, 11, 17, and Deuteronomy, 14, 17. See also *Corpus Glossariorum Latinorum*, III, pp. 17, 319, 397, 518; IV, p. 416; V, p. 465; VI, p. 695.

⁴ See *Corpus Glossariorum Latinorum*, III, p. 361.

⁵ This connotation is attested by J. H. Baxter and C. Johnson, *Medieval Latin Word List from British and Irish Sources* (Oxford Univ. Press, 1934), p. 264.

⁶ Among others, by A. A. Cortesão, *Subsídio para um Dicionário Completo (Histórico-Etimológico) da Língua Portuguesa* (Coimbra, 1900-1901), as quoted by A. Nascentes, *Dicionário Etimológico da Língua Portuguesa* (Rio de Janeiro, 1930), and by A. G. Solalinde, see

has not been incorporated by Meyer-Lübke in the last edition of his *Romanisches Etymologisches Wörterbuch*. There are only two pertinent entries in that dictionary: *mergere* (no. 5525) with numerous and, in point of meaning, widely ramified reflexes in Rumanian, Albanian, Old Italian, and Raeto-Romance, to which we may add Old Portuguese *merger*,⁷ and *mergus* (no. 5528), which yielded *mergo* "corvus marinus" in Galician and Italian. Under the same number reference is made to *smergolare* "to sing monotonously" (Lucca), likened by S. Pieri to Tuscan *sbergolare*.⁸ These two formations are unquestionably a product of *mergulus* and should have been classed separately. A number of other derivatives, scattered over a wide area comprising Sicily, Sardinia, Liguria, and Southern France, betray the existence of a type **mergō, -ōnis* "corvus marinus"; Old Provençal *morgon* testifies to an early shift of the pretonic vowel.⁹ *Mergo* occurs in Mediaeval Latin, for instance, in the writings of Emperor Frederic the Second.¹⁰ In addition to the **mergō* branch peculiar to the provinces bordering on the Tyrrhenian Sea, there must have existed the parallel type **mergō, -ōnis*, signifying "vine-layer," which has left traces in Catalonia (including the Balearic Islands), Aragon, Murcia, and Asturias, and was contaminated in Leon and Castile with *mūcrō, -ōnis*, yielding *mugrón*. This type, not clearly recognized

Homenaje ofrecido a Menéndez Pidal (3 vols., Madrid, 1925), II, p. 251. Nascentes himself thinks that the suffix *-ulho* is involved and quotes F. A. Coelho, *Dicionário Manual Etimológico da Língua Portuguesa*, as saying that *mergulhão* developed from *mergulhar* on the analogy of cases like *adular* ~ *adulão*.

⁷ J. J. Nunes, *Compêndio de Gramática Histórica Portuguesa* (Lisbon, 1919), p. 54, and J. Huber, *Altportugiesisches Elementarbuch* (Heidelberg, 1933), p. 77. On possible confusion in Old Portuguese between the products of *mergere* and *ēmergere*, resulting in the ambiguity of *merger*, see J. J. Nunes, *Cantigas d'amigo dos Trovadores Galego-Portugueses* (3 vols., Coimbra, 1928), III, pp. 645-6. No corresponding reflex in Old Spanish is recorded in A. Gassner, *Das altspanische Verbum* (Halle, 1897).

⁸ Silvio Pieri, "Fonetica del dialetto lucchese," *Archivio glottologico italiano*, XIII, pp. 107-36, especially p. 133.

⁹ Emil Levy (and Carl Appel), *Provenzalisches Supplement-wörterbuch* (8 vols., Leipzig, 1894-1924), V, p. 316, with a reference to Modern Provençal *mourgoun*, registered by F. Mistral.

¹⁰ See Du Cange, *Glossarium Mediae et Infimae Latinitatis*, V, p. 354b.

by previous etymologists, will be presently discussed in some detail. Out of the few documented compounds of *mergere*, only *submergere* (*Roman. Etym. Wtb.*, no. 8380) is known to have entrenched itself in the Alpine-Appennine area. To explain Catalan *somorgullar*,¹¹ Spanish *somorgujar*, *somormujar*, and their offspring, recourse was had by Meyer-Lübke to a hypothetical base **submerguculāre* (no. 8381). Yet, in spite of the admittedly important part played by the nominal suffixes *-uculu*, *-ucula* in the spoken Latin (especially of Gaul),¹² the very existence of a productive suffix *-ujar* in Spanish is problematic,¹³ as is indeed that of its Portuguese counterpart *-ulhar*, which has been tentatively extracted from *mergulhar*.¹⁴ Finally, in interpreting certain Gallo-Romance reflexes, Meyer-Lübke accepted the even more arbitrary base **submersire*.

A survey of the traditional Latin and Romance names for birds shows that many of them were derived by means of the suffixes *-ō* and *-iō*, commonly used in affectionate speech and known as having tended to replace other, less expressive terminations in the *sermo plebeius*.¹⁵ Characteristic formations are

¹¹ *Somorgullar* is documented in the dictionary of Aguiló i Fuster (VII, 306a) from the *Libre apellat Suma de Collacions*, a fifteenth century text, as well as from J. Verdaguer.

¹² G. Cohn, *Die Suffixwandlungen im Vulgärlatein und im vorliterarischen Französisch nach ihren Spuren im Neufanzösischen* (Halle, 1891), pp. 227-33.

¹³ For a few examples, see F. Hanssen, *Gramática histórica de la lengua castellana* (Halle, 1913), p. 158.

¹⁴ See J. H. D. Allen, Jr., *Portuguese Word Formation with Suffixes*, *Language Diss.* No. 33 (Baltimore, 1941), p. 102, for illustration rather than for interpretation.

¹⁵ There exists a rich literature on this suffix, although the definitive study remains to be written. See R. Fisch, *Die lateinischen nomina personalia auf -O, -ONIS: ein Beitrag zur Kenntnis des Vulgärlateins* (Berlin, 1890), based on excerpts collected by E. Wölflin and superseding earlier publications by the same author; A. Zimmermann, "Die lateinischen Personennamen auf -O, -ONIS," *Archiv für lateinische Lexikographie und Grammatik*, XIII, pp. 225-52, 415-26, and 475-501; F. T. Cooper, *Word Formation in the Roman Sermo Plebeius* (New York, 1895), pp. 53-8, with references to writings by Paucker, Goelzer, and others; W. Meyer [-Lübke], "Das lateinische Suffix -O, -ONIS," *Archiv für lateinische Lexikographie und Grammatik*, V, pp. 223-33; George N. Olcott, *Studies in the Word Formation of the Latin Inscript-*

capō, *falcō*, *pāvō*, and *pipiō* in Latin; *anadón*, *ansarón*, *budalón*, *caudón*, *esmerejón*, *gallarón*, *gorrión*, *sisón* in Old Spanish.¹⁶ If the material assembled by Meyer-Lübke suggests a **mergō*, *-ōnis* type in a clearly circumscribed portion of the Roman Empire, we are justified in positing a *merguliō* type, incident to the Iberian Peninsula, but extending beyond the Pyrenees on the

tions (Rome, 1898), pp. 82-7; A. C. Juret, *Formation des noms en latin et en grec* (Paris, 1937), p. 78.

Within the Romance field, the sources to be consulted include: W. Meyer-Lübke, *Grammatik der romanischen Sprachen* (4 vols., Leipzig, 1890-1902), II, pp. 495-501; L. Spitzer, "Über Ausbildung von Gegensinn in der Wortbildung," *Biblioteca dell' "Archivum Romanicum,"* Second Series, II, pp. 183-211 (various reviews of this essay are listed by R. A. Hall Jr., *Bibliography of Italian Linguistics*); Darmesteter-Sudre-Thomas, *Traité de la formation de la langue française* (bound with the *Dictionnaire général*), pp. 58-9; Kr. Nyrop, *Grammaire historique de la langue française*, III, pp. 138-40; W. Meyer-Lübke, *Historische Grammatik der französischen Sprache; zweiter Teil: Wortbildungslehre* (Heidelberg, 1921), §§ 47, 49, 54, 68, 163; E. Gamillscheg, "Grundzüge der galloromanischen Wortbildungslehre," *Biblioteca dell' "Archivum Romanicum,"* Second Series, II, pp. 53-6; *idem*, "Zur Frage der Auswahl bei der suffixalen Ableitung," *Dietrich Behrens Festschrift* (Jena and Leipzig, 1929), pp. 56-76 (correcting his own previously expressed view); Max Golde, "Die altfranzösischen Diminutiva," *Romanische Forschungen*, XLI, pp. 1-98; E. L. Adams, *Word Formation in Provençal* (New York, 1913), pp. 243-52; G. Östberg, *Studier öfver deminutiva och augmentativa suffix i modärn provençalska* (Diss. Uppsala, 1903), p. 67; J. Ronjat, *Grammaire historique des parlers provençaux modernes* (3 vols., Montpellier, 1930-1937), III, p. 364; M. Dorn, *Die nominalen Augmentativ- und Diminutivsuffixe im Altitalienischen* (Diss. Leipzig, 1906), pp. 85-90; W. Meyer-Lübke, *Das Katalanische: seine Stellung zum Spanischen und Provençalischen* (Heidelberg, 1925), pp. 93-4; J. H. D. Allen, Jr., *Portuguese Word Formation with Suffixes* (Baltimore, 1941), pp. 18-20; J. Huber, *Altportugiesisches Elementarbuch* (Heidelberg, 1933), p. 244; R. Menéndez Pidal, *Manual de gramática histórica española* (6th ed., Madrid, 1941), p. 230; F. Hanssen, *Gramática histórica de la lengua castellana* (Halle, 1913), p. 129; V. García de Diego, *Elementos de gramática histórica de la lengua castellana* (Burgos, 1914), p. 187; J. Alemany Bolufer, *Tratado de la formación de palabras en la lengua castellana* (Madrid, 1920), pp. 106-10; E. Benot, *Diccionario de asonantes y consonantes* (Madrid, n. d.), pp. 93-116; A. Alonso, "Noción, emoción, acción y fantasía en los diminutivos," *Volkstum und Kultur der Romanen*, VIII, pp. 104-26.

¹⁶ A study by the present writer on the suffix *-ón* in Old Spanish is in preparation.

evidence of Old Provençal *merguli*.¹⁷ This **merguliō* is based on *mergulus*, known to us as a synonym (or, at the initial stage, a form of endearment) of *mergulus*. If **mergō* was used beside *mergus*, there is no reason why **merguliō* should not have been coined to stand side by side with *mergulus*. The exact relationship between -o and -iō is still a matter of controversy, but from the examples collected by M. Leumann it would appear that -iō was preferably added to primitives with stems ending in l.¹⁸ Our theory, if accepted, would not completely eliminate a reconstructed intermediary type; yet this type would, at least, have the advantage of fitting into the known contours of the word family, it would be in harmony with the structure of the Latin derivational system, and would, last but not least, help dispose of such a demonstrably artificial base as **submerguculāre*.

As we see the sequence of events, the bird commonly known under the names *mergus* and *mergulus* first received the affectionate designation **merguliō* in some of the western provinces of the Empire; subsequently, colorful verbal derivatives were produced from **merguliō*, signifying "to dive," "to plunge" (like the water fowl), cf. Portuguese *mergulhar*. In Romance-speaking territories in which the two case declension was preserved in the late Middle Ages, it was only natural for the nominative **merguliō* to persist in the vernacular; otherwise, the oblique case **merguliōne* was perpetuated. This explains the contrast between Old Provençal *merguli* and Old Galician-Portuguese *mergollón*.¹⁹ Some of the products of **merguliō*, -ōne show a reinforcement by means of the prefix *so-* < *sub-*, which must have come to mind quite naturally in connection with an activity like plunging; compare, for the emphatic use

¹⁷ F. Raynouard, *Lexique roman ou dictionnaire de la langue des troubadours* (6 vols., Paris, 1838-1844), IV, p. 212a.

¹⁸ See his revision of Stolz-Schmalz, *Lateinische Grammatik* (5th ed., Munich, 1928), p. 239. Names of persons include: *pūmiliō*, *toculliō*, *circumcelliō*, *libelliō*, *mūliō*; names of animals are *pāpiliō*, *stelliō*, *rubelliō*, *vespertiliō*; names of objects are *cuculliō*, *matelliō*, *centipelliō*, *singiliō*; etymologically not transparent formations include *curculiō* (*gurguliō*), *ōpiliō*. Low Latin *pugilliō* "estoque, punnal," *bibiliō* "mosquito" are recorded in A. Castro, *Glosarios latino-españoles* (Madrid, 1936), E 1596; T 76.

¹⁹ See O. Schultze-Gora, *Altprovenzalisches Elementarbuch* (4th ed., Heidelberg, 1924), § 105. Old Portuguese *amergulhar*, *amergulhador* occur in the *Livro de Marco Paulo*, ed. Esteves Pereira.

of the prefix, *desnudo* "bare" side by side with *nudo* in Old Spanish, with the prefixed variety, just as in our case, prevailing in the central dialects against Portuguese *nu*. More problematic is the shift of pretonic *e* to *o* and *u* in the Provençal, Catalan, and Castilian, though not in the Portuguese reflexes. Meyer-Lübke treated this case in the chapter on the assimilation of the pretonic to the tonic vowel;²⁰ the present generation of scholars, under the influence of Grammont, is more scrupulous in labeling a phenomenon as unqualified assimilation, especially in the face of reverse shifts (*formōsu* > *fermoso*, *rotundu* > *redondo*).²¹ It is probably more appropriate to speak of the labialization of *e* by the preceding consonant in pretonic position, which prevailed in those areas from which *mergere* had disappeared: hence the contrast between Old Portuguese and its neighbors as far east as Provençal.²² Theoretically the blend of the *merg-* stem, in some of its ramifications, with *mūcrō*, *-ōnis* may have exerted a measure of influence on the coloring of the vowel in the remaining branches; however, the evidence of linguistic geography does not support this assumption. The ultimate change on record, the branching off of *somormujar* in Spanish somewhere around the year 1500, may be, at least in part, due to the onomatopoeic suggestiveness of the word; Parodi thought of a blend with *mojar*,²³ while Henríquez Ureña applied the term "dilation" as coined by Grammont to the shift under study.²⁴

²⁰ *Grammatik der romanischen Sprachen*, I, p. 287. R. Menéndez Pidal, *Manual de gramática*, 6th ed., p. 179, likens this shift to *sternūtu* > *estornudo*.

²¹ See A. Alonso, "Asimilación, disimilación," *Biblioteca de dialectología hispanoamericana*, I, pp. 395-400. On Portuguese *memoria* > *mor-mulha*, *sepultura* > *supultura*, see Huber, *Altportugiesisches Elementarbuch*, pp. 128, 137. Of course, dissimilation of successive labial vowels prevails; on regionalisms like *rebustez*, *documento*, see P. de Múgica, *Dialectos castellanos montañés, vizcaino, aragonés* (Berlin, 1892), p. 9.

²² True, the predominant kind of labialization was through the agency of the following consonant; for cases like *imāgine* > *omagen*, *episcopus* > *obispo*, see A. Zauner, *Altspanisches Elementarbuch* (2nd ed., Heidelberg, 1921), p. 22. The etymology of *sobollir* has not yet been definitely clarified, but at present the base **sub-bullire* is more favored than *sepelire*.

²³ E. G. Parodi, "Saggio di etimologie spagnuole e catalane," *Romania*, XVII, pp. 52-74, especially p. 72.

²⁴ P. Henríquez Ureña, *El español en México, los Estados Unidos y la América Central* (Buenos Aires, 1938), p. 371.

Scrutiny of medieval literary sources leads to the discovery of noteworthy relics of *merguliō*, *-ōne* in early Ibero-Romance. In the extant version of the *Legend of Crescentia* (fourteenth century), by a scribe identified as a speaker of Western Castilian, but traceable, on the translator's explicit admission, to a Galician prototype, *mergollón* is used for the sea bird (chap. xii);²⁵ presumably this word has been taken over literally by the translator from the Galician original, as was frequently the case in hagiographic and related writings.²⁶ Mussafia, in his introduction to the legend, referred to the identical use of *sumurgujón* by Don Juan Manuel.²⁷ Solalinde concerned himself with the word family on at least two occasions. In pursuing his Alphonine studies, he discovered a manuscript in Toledo, dating from the early fourteenth century.²⁸ This manuscript, among a miscellany of writings, contained the first known Spanish version of Henricus Salteriensis' *Tractatus de Purgatorio Sancti Patricii*;²⁹ the translation appears to go back to a lost Leonese version of the thirteenth century, badly distorted by subsequent copyists. For *mergō* and *immergō*, as found in the Latin model text, Solalinde discovered a variety of vernacular equivalents:

"Cabeça iuxo *murgurados* en piedra sufre ardent" (chap. x, line 4); ally estaban *samurgados* muchos varones e muchas mugeres" (chap. xii, line 9); "los otros estaban *fomurgados* fasta las sobregeyas" (chap. xii, line 11); "corrían los diablos e *fomurgávanlos*" (chap. xiv, line 11).

Solalinde correctly argued that the initial *f*- appearing in two

²⁵ *Un muy fermoso cuento de una sancta enperatris que ovo en Roma*, MS Escor. H-i-13, fols. 99a-124b; see A. Mussafia, "Eine altspanische Darstellung der Crescentiasage," *Wien. Sitzb.*, LIII (1866), pp. 508-65.

²⁶ See the various studies of K. Pietsch on the text of the Spanish *Grail Fragments*, especially "On the Language of the Spanish *Grail Fragments*," *Modern Philology*, XIII, pp. 369-78 and 625-46.

²⁷ Reference to that source has also been made by J. Cejador y Frauca, *Vocabulario medieval castellano* (Madrid, 1929). The word occurs in *El Libro del cavallero e del escudero*, fol. 22v; see the edition by S. Gräfenberg in *Romanische Forschungen*, VII, pp. 427-550. *Somurgujar* is found in Leomarte, *Sumas de historia troyana*, ed. A. Rey (Madrid, 1932), p. 179.

²⁸ A. G. Solalinde, "Un código misceláneo con obras de Alfonso X y otros escritos," *Revista de Filología Española*, XI, pp. 178-83.

²⁹ A. G. Solalinde, "La primera versión española de *El Purgatorio de San Patricio* y la difusión de esta leyenda en España," *Homenaje a Menéndez Pidal*, II, pp. 219-57.

out of the four forms was a blunder on the part of a copyist obviously unfamiliar with the stem. The vacillation between *so-* and *sa-* does not call for comment;³⁰ moreover, *samurgar* has survived in Asturian. How are we to understand the relationship between *somurgar*, *samurgar* and Latin *mergere*? There existed three intensive formations akin to *mergere*: archaic *mertō*, *-āre* (Accius), classical *mersō*, *-āre* (Lucretius, Vergil, Horace, Tacitus), and late *mersitō*, *-āre* (Solinus); **sub-mergāre* underlying Leonese-Asturian *somurgar* thus may be interpreted as a compromise form between, say, *mersāre* and *mergere*, unless we prefer to regard it as newly developed from *mergus* "corvus marinus," preserved in the northwest of the Peninsula, even as *mergulhar* was produced from **merguliō*. As for *murgurar*, Solalinde's suggestion that it be considered as a semi-learned product of **mergulāre* is not very felicitous. First, a retarded development of a verb not recorded in literature can hardly be assumed; second, the area of **mergulare* (of which we discovered traces in Lucca) falls outside of Spain; third, the negligent scribe may easily be credited with having misread *murguiar*, with *i* standing for [ž]. Confusion of *i* and *r* is a palaeographically plausible assumption which would permit us to connect *murgujar* (in a text presumably either composed or copied by a Leonese) with Old Galician *mergollar*, thus reserving an extensive area for the spread of the derivative from < **merguliō*. It is noteworthy that in this ancient text forms with and without *so-* alternate freely.

In subsequent years Solalinde produced additional evidence of the use of *somurgujón* prior to the year 1270 from the *General Estoria*.³¹ In an essay on the Old Spanish names for animals he quoted also the Latinism *mergulo* and semi-learned *mergurio*;³² either form is found in the partly published MS

³⁰ C. Michaëlis [de Vasconcelos], "Étymologies espagnoles," *Romania*, II, pp. 86-91; F. Hanssen, *Gramática histórica*, p. 166; R. Menéndez Pidal, *Manual de gramática*, p. 331. Characteristic formations include: *sacudir*, *sahumar*, *sancochar*, *zahondar*, *za(m)bullir*. The past participle *somerguido* occurs in *Vida e costumbres de los viejos filósofos*, ed. H. Knust, p. 57.

³¹ Alfonso el Sabio, *General Estoria* (Madrid, 1930-), I, p. 530a, line 20, and I, p. 723b, line 44.

³² A. G. Solalinde, "Los nombres de animales puros e impuros en las traducciones medievales españolas de la Biblia," *Modern Philology*,

Escor. I-j-8 (Aragonese, early fourteenth century)³³ and the unpublished MS Escor. Y-j-6, both of which contain Bible translations.³⁴

The record of writers and lexicographers seems to indicate that the entire word family, at present decidedly obsolete, flourished in Castile throughout the sixteenth and the seventeenth centuries. As many as four branches can be set off: *somorgujar*, *somurgujar*, *somormujar*, *somurmujar*.³⁵ The dictionaries of Vittori (1606) and Franciosini (1636) illustrate the differentiation between *somorgujón* "diver" (the bird) and *somorgujador* "diver" (the man); compare Portuguese *mergulhador* "pearl-diver." *Al somorgujo* means literally "beneath the surface of the water" in a passage from Castillo Solórzano quoted by the *Diccionario de autoridades* (VI, 149), and Vittori records the combination *nadar a somorgujo*; at a later date, the adverbial phrase *a lo somorgujo* came into being.³⁶ These groups did not fail to develop a figurative sense; in the language of Quevedo and of the author of *La Pícaro Justina* they signify "secretly."³⁷ Although some of these words reappear in the archaizing style of a few writers of the past century, including P. A. de Alarcón, there can be little doubt that the word family has been largely replaced by other stems.

XXVII, pp. 473-85, and XXVIII, pp. 83-98; see especially XXVII, p. 477, and XXVIII, p. 94.

³³ See *Biblia medieval romanceada*, ed. A. Castro, A. Millares Carlo, and A. J. Battistessa (Buenos Aires, 1927), pp. 143, 257.

³⁴ The passages are found on fols. 327r and 373r.

³⁵ *Somorgujar* is listed by Ch. de las Casas, *Vocabulario de las dos lenguas toscana e italiana* (Seville, 1570), fol. 238. *Somurgujar* is quoted from Lope de Vega by A. de Pagés, *Gran diccionario de la lengua castellana*, V, p. 259. The same source provides illustration of *somurmujar* from Cervantes. *Somormujón* is listed in the dictionary of Sobrino-Cormon (Antwerp, 1775), III, pp. 377-8.

³⁶ *A lo somorgujo* (*somormujo*) is the form used by the redactors of the *Diccionario de autoridades*; it is illustrated by A. de Pagés from R. José de Crespo. Cf. *al menos* beside *por lo menos* and similar cases of wavering between the two forms of the article.

³⁷ Quevedo: "Casóse, y aunque la boda se hizo a *somormujo*, todos se repapilaron." *La Pícaro Justina*: "Sacó a *somorgujo* el Agnus de la manga." For yet another occurrence of the word ("yendo siempre tomando el *sumorgujo* azia dentro"), see Licenciado Francisco López de Úbeda, *La Pícaro Justina*, ed. J. Puyol y Alonso (3 vols., Madrid, 1912), II, p. 274.

Not so in Portuguese, where *mergulhar* has steadily increased in frequency and extended its meaning; witness its occurrence (as a transitive, intransitive, and reflexive verb) in the writings of A. Herculano, C. Neto, Rebêlo da Silva, and Pôrto Alegre,³⁸ with a wide range of meanings ("dipping, diving, drowning, submerging, plunging"). While phonetic variants appear to be absent, numerous derivatives have been coined.³⁹ *Mergulhão* denotes two distinct species of birds (*colymbus* and *podiceps*). *Somergulhar*, of which there are traces in the older language, has, however, been discarded.⁴⁰ Is it due to mere coincidence that the Portuguese, who, in contrast to the Castilians, are essentially a maritime nation, should have preserved with striking fidelity the **merguliō* of the speakers of Hispano-Latin?

Mergulhão and some of its congeners in Portuguese signify also "vine-layer," thus perpetuating the tradition of Latin *mergus* as recorded in Columella and Palladius. The Castilian equivalent of *mergulhão* is *mugrón*, found, for instance, in the *Libro de buen amor*.⁴¹ The corresponding verb *amugronar* is documented from Deza, *Gobierno de agricultura* (second part, ed. 1618, fol. 51),⁴² but must have been in existence much earlier, on the evidence of the name of agent *amugronador* "grafter," found in Juan Ruiz (quatrain 1281b). The etymology of *mugrón* has been a matter of debate. Covarrubias called it a word of allegedly Arabic ancestry.⁴³ Diez derived *mugrón* from Latin *mūcrō*, *-ōnis*, comparing its semantic de-

³⁸ For abundant illustration, see Fr. Domingos Vieira, *Grande Dicionário Português ou Tesouro da Língua Portuguesa* (5 vols., Oporto, 1871-1874), IV, p. 213b, and especially L. Freire, *Grande e Novíssimo Dicionário da Língua Portuguesa* (5 vols., Rio de Janeiro, 1940-1944), p. 3394.

³⁹ For instance, *mergulho*, *mergulha*, *mergulhia*. These are conveniently listed and defined in C. de Figueiredo, *Novo Dicionário da Língua Portuguesa*, 3rd ed., II, p. 162. There is no way of determining whether *mergulho* is a postverbal substantive or an organic outgrowth of the Latin nominative *merguliō*.

⁴⁰ Figueiredo refers to *Revista Lusitana*, XVI, p. 11 (not available to me). For a quotation of semi-learned *sumergir*, the precursor of modern *submergir*, from *Monarquia Lusitana*, VII, viii, see Domingos Vieira, V, p. 626b.

⁴¹ See quatrain 1281b of the edition by J. Ducamin (Toulouse-Paris, 1901).

⁴² *Diccionario histórico*, I, p. 555a.

⁴³ *Tesoro de la lengua castellana*, 2nd ed., II, fol. 117v.

velopment to that of *púa*; ⁴⁴ his theory was adhered to by Monlau, ⁴⁵ Schuchardt (whose statement shows a good deal of caution), ⁴⁶ Richardson, ⁴⁷ and Aguado. ⁴⁸ Parodi, on the other hand, and, long before him the unjustly forgotten Cabrera, ⁴⁹ proposed **mergō*, *-ōnis*, an assumed variant of *mergus*, as a fitting base. ⁵⁰ Körting remained undecided throughout the three editions of his dictionary, ⁵¹ and Meyer-Lübke vacillated, too, favoring first Parodi's, ⁵² later Diez's interpretation. ⁵³

The answer to the pending question can be given in terms of linguistic geography. Sufficient data have been assembled to justify the assumption of Cabrera and Parodi. In the Aragonese version of the *Libro de Alexandre* (MS P) the variant

⁴⁴ F. Diez, *Etymologisches Wörterbuch der romanischen Sprachen* (Bonn, 1853), p. 515. See also the fifth edition (Bonn, 1887), p. 470.

⁴⁵ P. F. Monlau, *Diccionario etimológico de la lengua castellana* (Buenos Aires, 1941), p. 875. A reprint of the edition of 1881.

⁴⁶ H. Schuchardt, "Romano-Baskisches," *Zeitschrift für romanische Philologie*, XXXVI, pp. 33-41, especially pp. 36-37: "Dass bei span. *mugrón* 'Setzling,' kat. *mug(o)ró* 'Zitze' der Gedanke an lat. *mūcrō* ganz auszuschliessen sei, kann ich nicht zugeben; auf dieses Wort wird nicht ganz unwahrscheinlich das graub.-lad. *mugrins* 'Wettköpfe,' appenz. *Mögel* 'Wettung' zurückgeführt."

⁴⁷ H. B. Richardson, *An Etymological Vocabulary to the Libro de Buen Amor* (New Haven, Yale Univ. Press, 1930), p. 156. The brief statement contains various inaccuracies.

⁴⁸ J. M. Aguado, *Glosario sobre Juan Ruiz* (Madrid, 1929), p. 476.

⁴⁹ R. Cabrera, *Diccionario de etimologías de la lengua castellana* (2 vols., Madrid, 1837), II, p. 471.

⁵⁰ E. G. Parodi, *Romania*, XVII, p. 70.

⁵¹ G. Körting, *Lateinisch-Romanisches Wörterbuch* (Paderborn, 1891), nos. 5259 (*mergus*) and 5446 (*mūcrō*). In the two subsequent editions, the same information is provided under nos. 6617 and 6335, respectively.

⁵² The *Romanisches Etymologisches Wörterbuch* (1st ed., Heidelberg, 1920) lists also **mergula* "little fork" (no. 5527) from *merga* (no. 5524) with reflexes in Sicilian and Old French. The base was later withdrawn by Meyer-Lübke.

⁵³ In the third edition of the *Romanisches Etymologisches Wörterbuch* (Heidelberg, 1936), Catalan *morgó* and Spanish [dialectal] *amorgonar* are given under no. 5528 (*mergus*), while Catalan *mug(o)ró* and Spanish *mugrón* are listed under no. 5712a (*mūcrō*). No cross-reference is provided, nor is any reason given why the material has been reclassified since the publication of the first edition. Parodi's theory is rejected, by implication, just as vaguely as had been Diez's in the first edition.

used is *murgón* (quatrain 208d: "Que de tan malas vides non sallesen *murgones*").⁵⁴ Unfortunately, the corresponding passage in the Leonese version (MS O) has been distorted beyond recognition (quatrain 202d: "Que de mala villa non naçiesen moiones").⁵⁵ The *Diccionario de autoridades* claimed that *amorgonar* for *amugronar* was proper to the dialects of Aragon and Murcia; this contention has been endorsed by the *Diccionario histórico* (I, 547) and is corroborated by the glossaries of Borao,⁵⁶ Múgica,⁵⁷ Lemus y Rubio,⁵⁸ and García Soriano,⁵⁹ in which *morgón* also appears as the word for "vine-layer"; there is no mention of either *amorgonar* or *morgón* in the word list of A. Sevilla.⁶⁰ In the adjoining Catalan area we discover an even richer set of reflexes. *Morgó*, explained as "redolta d'un cep que es colga i fa arrelar abans de tallar-la," was used by Fra Miquel Agustí in his *Llibre dels secrets de agricultura* (Barcelona, 1617); *morgonal* is said to signify "la punta de les branques"; *morgonar* is either "fer morgons o colgats" (Lunari A. Rocha, 1568) or "brotar" (MS St. Pere Pasqual).⁶¹ Add to these vestiges the following forms collected in Mallorca: *amurgó*, *amurgonada*, *amurgonador*, *amurgonament*, *amurgonar*.⁶²

Leaving the area east of Castile, we discover far in Western Asturias *morguyo* "modo de reproducir la cepa," very close to

⁵⁴ Julia Keller, *Contribución al vocabulario del Poema de Alixandre* (Madrid, 1932), p. 132. Cf. *murgón* in *Poema de Yúguf*, B, 77d, 172b, 298d; and *amorgonar* in G. Tilander, "Fueros aragoneses de 1348," *Revista de filología española*, XXII, pp. 116-17. See for a contrast Castro, *Glosarios*, E 2905: *propago* "acrecentar o mugronar."

⁵⁵ R. S. Willis, Jr., *El Libro de Alexandre: Texts of the Paris and the Madrid Manuscripts Prepared with an Introduction* (Elliott Monographs in the Romance Languages and Literatures, No. 32; Princeton-Paris, 1934).

⁵⁶ J. Borao, *Diccionario de voces aragonesas* (2nd ed., Saragossa, 1908), pp. 161, 272.

⁵⁷ P. de Múgica, *Dialectos castellanos*, p. 76 (Aragonese word list).

⁵⁸ P. Lemus y Rubio, *Aportaciones para la formación del vocabulario panocho o del dialecto de la Huerta de Murcia* (Murcia, 1933), p. 223.

⁵⁹ J. García Soriano, *Vocabulario del dialecto murciano* (Madrid, 1932), pp. 8, 86.

⁶⁰ A. Sevilla, *Vocabulario murciano* (Murcia, 1919).

⁶¹ "Diccionari Aguiló i Fuster," ed. M. de Montoliu, V, p. 155.

⁶² A. Ma. Alcover and F. de B. Moll, *Diccionari català-valencià-balear* (Palma de Mallorca, 1930-), I, p. 622.

Galician-Portuguese *mergullón*, except that it perpetuates the Latin straight case **mergúlio* rather than the oblique case **merguliōne*, cf. *quassātiō* > OPtg. *cansaço*, OSp. *cansaço* (unless a postverbal noun from an unrecorded verb be involved).⁶³ In any event, this form marks the western limit of the area characterized by the labialization of the pretonic vowel, whichever explanation of the shift we may accept as correct. In Eastern Asturias, the backdoor to Castile, *amorgonar* is reported to be used as follows: "Fayse una ferida en la caña de un limon o naranxal, ponseien el sitiū un caciū con tierra pa q' enrraize y esto y' *amorgonar*."⁶⁴ It may be stated parenthetically that the type *morgaño*, recorded at different points of the peninsula with a wide variety of meanings ("envious, wicked, cruel, wretched, stingy, ill-humored, disgusted") is not akin to the words under study, but perpetuates *mordicāre*; ⁶⁵ compare the variant *musgaño* and Galician *amusgañar*, developed from *morsicāre*.⁶⁶

The picture resulting from our survey is that of a central area in which *mugrón* signifies "graft, vine-layer," surrounded from the west, the north, the east, and the southeast by territories showing types like *morgón*, *morgullo*, and *mergullón*, produced from **mergō* and **merguliō*, variants of *mergus* and *mergulus*. This geographic distribution speaks unequivocally in favor of Parodi's theory.⁶⁷

Yet the etymology of *Diez*, supported by Schuchardt and, temporarily at least, by Meyer-Lübke, need not be completely sacrificed. *Mūcrō*, *-ōnis*, attested since Ennius, signified "sharp point or edge": *mucro falcis* (Columella); *mucro ensis* (Ovid);

⁶³ B. Acevedo y Huelves and M. Fernández y Fernández, *Vocabulario del bable de occidente* (Madrid, 1932), p. 152.

⁶⁴ A. de Rato y Hevia, *Vocabulario de las palabras y frases bables que se hablaron antiguamente* (Madrid, 1891), p. 10.

⁶⁵ See J. Borao, *Diccionario de voces aragonesas*, p. 212; J. Cuveiro Piñol, *Diccionario gallego* (Barcelona, 1876), p. 213; J. de Lamano y Beneite, *El dialecto vulgar salmantino* (Salamanca, 1915), p. 544, with references to Ciudad de Rodrigo and Sierra de Francia.

⁶⁶ See the writer's essay "Hispanic Reflexes of Latin *morsicāre*," *Philological Quarterly*, XXIV, pp. 233-54. For an old example of *musgaño*, see *Confesión del amante por Joan Goer*, ed. H. Knust and A. Birch-Hirschfeld (Leipzig, 1909), fol. 335r.

⁶⁷ On the interpretation of linguistic maps and the patterns of areal distribution, see the writings of Gilliéron, Dauzat, Jaberg, Jud, Gamillscheg, Bartoli, and, lately, J. H. Bonfante.

mucro cultri (Juvenal); *mucro dentis, folii, crystalli* (Pliny). An extension of the initial connotation is seen in *mucro faucium* "end of the narrow street" (Pliny). The word was used occasionally in a figurative sense (Cicero: *mucro censorii stili*; *mucro defensionis tuae*; Quintilian: *mucro ingenii*), but served primarily as a military term, signifying the edge of the sword, while *cuspidis* designated the sharp point of the javelin (Pliny: *mucro gladii*); also, as *pars pro toto*, the word referred to the sword itself (Livy: *mucrone subiecto, in se mucrone verso*; Vergil: *mucrones stringere*).⁶⁸ There is little wonder that a word like *mūcrō* should have persisted in those parts of Spain in which the Roman legions were stationed. One such part was Leon, which owes its very name to *legiō*. Now in the *Poema de Alfonso Onceno*, actually traceable to Leonese or a closely related dialect, we do find a passage in which a genuine offspring of *mūcrō* appears to have persisted as late as the fourteenth century: "Terciávanlas [*scil.* las espadas] en las manos,/ apretavan los mugurones" (stanza 1655).⁶⁹ The archaic character of the lexicon of this epic has been pointed out on a previous occasion.⁷⁰ In chronicles and historical accounts, from which Giese excerpted all terms relating to weapons and warfare in general,⁷¹ no vestige of *mug(u)rón* has been discovered.

There are a few other Leonese formations which one is inclined to retrace to *mūcrō*. In a recently published veterinary treatise of the thirteenth century, identified as Leonese, *murón* occurs for "point, end" in an anatomic context: "E esta malautia guaresce assi: Raer le el espalda toda fatal cobdiello e desend abrir le en er [read: el?] *muron* del espalda una fendedura a porluengas pequenna."⁷² The editor of the text,

⁶⁸ Harpers' *Latin Dictionary* and K. E. Georges, *Ausführliches lateinisch-deutsches Handwörterbuch* (8th ed., Hanover-Leipzig, 1918) have provided most of the examples. The pertinent fascicles of the *Thesaurus*, if published, have not yet reached this country. In Castro, *Glosarios*, p. 341, *cuspidis* and *mūcrō* correspond to "punta."

⁶⁹ See the edition by F. Janer in *Biblioteca de autores españoles*, LVII, p. 527a. The second version of the poem, recently published in Holland, is not yet available in this country.

⁷⁰ See the writer's "The Etymology of Spanish *sosiego*," *Philological Quarterly*, XXIII, pp. 297-306.

⁷¹ W. Giese, *Waffen nach der spanischen Literatur des zwölften und dreizehnten Jahrhunderts* (Hamburg, 1925).

⁷² *El Libro de los caballos: tratado de albeitería del siglo XIII*, ed.

Georg Sachs, has correctly explained *murón* as a product of *mūcrō* with a phonological development reminiscent of *pigritia* > *pereza* (but Ptg. *preguiça*), *integrū* > *entero*, contrasting with the well known series *acre*, **acro* > *agro* (cf. *vin-agre*), *alacre* > *alegre*, *lacrima* > *lagrima*, *lucrāre* > *lograr*, *macro* > *magro*, *sacrāto* > *sagrado*, *socro* > *suegro*.⁷³ In the Bierzo dialect, again falling under Leonese, García Rey registered *muirón* "trozo de hierro o piedra que sirve para fijar en el hogar la leña de la lumbre" (Folgozo de la Rivera).⁷⁴ Leonese *muirón* is in turn related to Portuguese *moirão*, *mourão*, translated by Krüger as "Weinpfafl, Pfosten, Ständer, Herdstein,"⁷⁵ and studied by Gonçalves Viana.⁷⁶ Traces of this type have been detected all over Portugal, in the provinces of Trás-os-Montes, Beira, and Algarve.⁷⁷ A synonym of *moirão* is *morillo* (also *morilla*, *morillón*), found, for instance, in Segovia.⁷⁸ These formations were tentatively connected with *maurus* by Schuchardt and Meyer-Lübke. It will be remembered, however, that in the northwest of the Peninsula it is not uncommon for a consonant cluster consisting of a stop plus [r] to yield [jr]: witness Mirandese *integrū* > *anteiro*,⁷⁹ Galician *patre* > *pai*, *cathedra* > *cadeira*, *flagrare* > *cheirar*, *ecclesia* > *eireja*,⁸⁰ and the corresponding forms in Portuguese.⁸¹ That the development of stops in medial position in Galician, Leonese, and Asturian was much

G. Sachs (*Revista de Filología Española*, Anejo XXIII; Madrid, 1936), p. 30, line 21. A variant reading is *el mugro*.

⁷³ *Ibid.*, glossary, p. 139.

⁷⁴ V. García Rey, *Vocabulario del Bierzo* (Madrid, 1934), p. 117.

⁷⁵ F. Krüger, *Die Gegenstandskultur Sanabrias und seiner Nachbargebiete: ein Beitrag zur spanischen und portugiesischen Volkskunde* (Hamburg, 1925), p. 87.

⁷⁶ A. R. Gonçalves Viana, *Apostilas aos Dicionários Portugueses* (2 vols., Lisbon, 1906), II, p. 159.

⁷⁷ Krüger, *op. cit.*, quotes *Revista Lusitana*, V, p. 98; VII, p. 248; XI, p. 159; XII, p. 110. Most of these issues are not directly accessible to the writer.

⁷⁸ G. Ma. Vergara Martín, *Materiales para la formación de un vocabulario de palabras usadas en Segovia y su tierra* (Madrid, 1921), s. v.

⁷⁹ J. Leite de Vasconcelos, *Estudos de Filologia Mirandesa* (2 vols., Lisbon, 1900-1901), I, p. 288.

⁸⁰ V. García de Diego, *Elementos de gramática histórica gallega* (Burgos, 1909), p. 47.

⁸¹ See the pertinent sections in the manuals of Nunes, Huber, Cornu, and Williams.

more advanced than elsewhere has been clearly demonstrated by Menéndez Pidal,⁸² and his data have recently been supplemented by the compilations of Sacks⁸³ and Jennings.⁸⁴ There can be little doubt that *murón*, *muirón*, *mugurón* all reflect Latin *mūcro*, *-ōnis*; as for Catalan *mugró* "nipple, teat," one may be in doubt whether it should be related to *mūcrō* or to **mergō*.⁸⁵

It would seem, then, that *mūcrō* has entrenched itself in Leonese. Approximately in the same area we have observed that *morgón* < **mergōne*, characteristic of the peripheral dialects, appears as *mugrón*. Should these two facts be regarded as coincidental or can they be correlated? In other words, may we assume that Hispanic *morgón* was metathesized in the central dialects without the interference by *mu(g)rón* < *mūcrōne*? It is difficult to give a positive answer to this question. Granting the appeal of the sequence *-gr-* to the speakers of Spanish, apparent in shifts like *miraglo* > *milagro*, *periglo* > *peligro*, there is no evidence that attempts have been made to avoid the reverse sequence *-rg-*, be it primary, as in *largo*, or secondary, as in *erguir* < *ērigere*, *cargar* < **carricāre*. Dialectal records show even shifts like *lagarto* > *largato* (La Montaña).⁸⁶ The acceptability of the consonant cluster *-rg-* precludes the assumption of a spontaneous metathesis. There was undoubtedly a blend of **mergōne* and *mūcrōne* in the central dialects at a moment when these words reached the stage of *murgón* (*Libro de Alexandre*) and *mugrón*, respectively. There is no need to insist on the similarity of shape ("sharpness") which facilitated the contamination; where this element of outward resemblance was absent, as in the case of the "diver," no blend could possibly ensue.

If our arguments so far have been correct, an improved way has been found to present the development of two Hispano-Latin word families, which crossed each other's orbits at a very late date and in a restricted area. *Mūcrō*, *-ōnis* did persist in

⁸² R. Menéndez Pidal, *Orígenes del español: estado lingüístico de la península ibérica hasta el siglo XI* (2nd ed., Madrid, 1929), pp. 247-65.

⁸³ N. P. Sacks, *The Latinity of Dated Documents in the Portuguese Territory* (Philadelphia, 1941), pp. 21-2.

⁸⁴ A. C. Jennings, *A Linguistic Study of the Cartulario de San Vicente de Oviedo* (New York, 1940), pp. 51-3.

⁸⁵ See *Diccionari Enciclopèdic de la Llengua Catalana*, III, p. 565.

⁸⁶ P. de Múgica, *Dialectos castellanos*, p. 5.

Ibero-Romance, particularly in Leon, where Roman legions had been concentrated, but its reflexes are not those pointed out by Schuchardt and Meyer-Lübke. Formations perpetuating *mūcrōne* are *mug(u)rón* "sword," *murón* "end, point," *muirón*, *moirón* "pole, post; iron tool used to arrange fire-wood in the hearth." The growth of the family of *mergō*, *-ere*, *mergus*, and *mergulus* is much more complicated. *Mergere* persisted in Old Portuguese as well as in the speech of the center and the east of the Empire; in the interjacent zone from which it disappeared its cognates experienced a vowel shift in the pretonic syllable. *Mergus* "diver" was perpetuated in Galician and in Italian, two remnants of an originally connected zone. **Mergō*, *-ōnis* "diver" was used in countries bordering on the Tyrrhenian Sea, while **mergō*, *-ōnis* "vine-layer" was peculiar to Ibero-Romance and has persisted in the peripheral dialects (Asturian, Aragonese, Murcian). Of *mergulus* there are only a few relics in Toscana (Lucca), but a new type, **merguliō*, *-ōnis* was eminently successful in the western provinces; the nominative has been perpetuated in Old Provençal (*merguli*), conceivably also in Asturian (*morguyo*)⁸⁷ and Portuguese (*mergulho*); the oblique case has left traces in Galician-Portuguese (*mergollón*, *mergulhão*) and, supported by the suggestive prefix *so-* < *sub-*, in Old Spanish (*somorgujón*). The **merguliō* type was used only for the bird, not for the vine-layer, except in the extreme West. From this type a verb branched off signifying "to dive," cf. Ptg. *mergulhar*, Sp. *somorgujar*. Old Leonese *murgujar* is directly connected with Old Galician *mergollar*. An infrequent type *somurgar*, *samurgar*, found in a text of Old Leonese background, may represent a compromise form between *mergere* and intensive formations (*meritāre*, *mersāre*, *mersitāre*). In the Leonese area *mūcrōne* > *mu(g)rón* contaminated **mergōne* > *murgón*, producing a metathesis which could not have occurred spontaneously.

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⁸⁷ On the shift *u* > *y*, see R. Menéndez Pidal, "El dialecto leonés," *Revista de Archivos, Bibliotecas y Museos*, Third Series, XIV, pp. 128-72 and 294-311, especially p. 165.

A PROBLEM OF SENATE PROCEDURE IN THE LATE ROMAN EMPIRE.

It is well known that in the late Roman Empire the Senate had lost its former great governmental powers. It had become a mere servile tool of the Emperor, and its chief legislative function appears to have been to facilitate publication of imperial edicts by assembling to hear these edicts read. In general, therefore, the procedure of this period could have had little relation to that of earlier periods when senators were called upon to express their individual opinions and to vote upon whatever measures were proposed. As one would expect, formality and ceremony had entirely displaced debate and action. Of the debate and action of the Senate's days of power we know much from various sources, although we have no official record of any meeting of those times. But we should know very little of the character of senatorial procedure during the late Empire if it were not for the fact that the only surviving minutes of a meeting of the Senate come from this period. These minutes, known as the *Gesta Senatus Urbis Romae*, and dated December 25, 438 A. D., present a complete picture of a session of the Roman Senate. Its main features were the address of the presiding officer and the response of the senators by means of acclamations which were of an obviously ceremonious nature for the most part. The procedure followed appears to have been simple, and yet the vagueness of certain entries in the minutes has left some questions in regard to it unanswered. This is particularly true of one passage in which a flaw in the text creates still further difficulties. The problem here involves both a formality observed in the conduct of the meeting and a form used in recording it. Solution of this problem requires the emendation of a meaningless group of words, *et ad inter*, and, as the editor of the most recent edition of the *Gesta Senatus Urbis Romae*¹ indi-

¹ P. Krueger, *Codex Theodosianus I-VIII* (Berlin, 1923-1926). Other editions cited in this article are: Walther Friedrich Clossius, *Theodosiani Codicis Genuini Fragmenta* (Bonn, 1825); Karl Friedrich Christian Wenck, *Codicis Theodosiani Libri V Priores* (Leipzig, 1825); Gustav Friedrich Haenel, *Codex Theodosianus* (Bonn, 1842); Theodore Mommsen, *Theodosiani Libri XVI cum Constitutionibus Sirmondianis*,

cates, no acceptable emendation of these words has so far been proposed. The passage referred to is as follows:

§ 6 Anicius Achillius Glabrio Faustus v(ir) c(larissimus) et inlustris, tertio ex praefecto urbi, praefectus praetorio, et consul ordinarius dixit: "Quae lecta sunt sui cum veneratione, gestis adhaerebunt et ad inter. Hanc quoque partem inter beneficia aeternorum principum numero, quod per me magnitudini vestrae ea, quae pro legibus suis statuere dignati sunt, intimarunt."

Anicius Achillius Glabrio Faustus, it should be explained, was the presiding officer at this uniquely important meeting of the Senate, which was held for the purpose of officially receiving the Theodosian Code in the Western Empire. The words "Quae lecta sunt" refer to the decree (*C. Th.*, I, 1, 5) by which the Emperor Theodosius had launched the compilation of the Theodosian Code in the year 429 A.D. As the minutes record, Faustus had prefaced the reading of this decree to the Senate by a speech in which he announced that the Code had been completed, and that the Emperor Theodosius had entrusted to him a copy of this Code to be delivered to the Western Empire and had instructed him besides to apprise the Senate of this great boon. It is this mandate of the Emperor to which Faustus refers in the last sentence of the paragraph quoted. The address of Faustus was couched in the florid, clumsily rhetorical language characteristic of the time. That it was quite to the taste of the senators is evidenced by their shouts: "Nove diserte! Vere diserte!" But it was the announcement of the completion of the Code together with the reading of the imperial decree which aroused the senators to their greatest display of enthusiasm. They responded with forty-three different acclamations,² each repeated many times, so that the total number of shouts was eight hundred and twenty-eight. There was no formal vote of approval, nor was there any speech by a Senator. The sole function of the Senators, apparently, was to shout the acclamations recorded. The passage quoted above immediately follows the list of these acclamations in the minutes. Following it, in

adsumpto apparatu P. Kruegeri (Berlin, 1905). The citations in this paper are according to Mommsen's edition.

² Examples: "Augusti Augustorum, maximi Augustorum!" "Ut vivere delectet Augustos nostros semper!" "Liberis cariores, parentibus cariores!" "Dispositioni vestrae gratias agimus!"

turn, are acclamations in honor of Faustus, a report by Faustus of the arrangements for the custody and publication of copies of the Code, and finally more acclamations in honor of Faustus.

The only source for the text of the *Gesta Senatus Urbis Romae* is the manuscript known as Ambrosianus 29 inf., usually designated as *A*, but as *5* by Haenel. At last accounts this manuscript was in the Ambrosian Library at Milan. The origin of the manuscript, which was probably written in the twelfth century, is uncertain. Clossius³ adjudged the writing to be Lombardic; Haenel⁴ describes the letters as "minutae, fractae et contortae . . . nec elegantes," and not much different from those of manuscripts written in Gaul in the twelfth century. Mommsen,⁵ however, calls the hand "perita et pulchra" and Italian. He further states that no second hand is seen in the manuscript; however, the scribe, in attempting to correct his own writing, introduced errors in several places.

All editors are in agreement as to the reading of the manuscript at the passage in the *Gesta Senatus* which is under consideration. There is no indication that there may originally have been at this place in the manuscript any additional letters which can no longer be read. Emendations of the obviously corrupt *ad inter* have been suggested as follows:

Clossius encloses the word *inter* in brackets; Puggaeus and de Crassier⁶ omit the word *inter*; Wenck omits *ad* and expands *inter* to *interea*; Haenel thinks that both *ad* and *inter* were introduced into the manuscript through a scribal error and accordingly omits them; Mommsen substitutes *addentur* for *ad inter*. The simple changes in the text involved in his emendation do not appear to Mommsen to be enough, however, for he suggests that after *veneratione* some such words as *principum nostrorum constituta quaeque dicta* should be inserted. He then explains his version of the sentence as follows: "Hoc ait Faustus tam constitutionem quam acclamationes gestis se inserturum

³ Cited by Haenel, *op. cit.*, p. xi.

⁴ *Ibid.*, p. xi. See pp. ix-xi for a more detailed description of the manuscript.

⁵ *Op. cit.*, I, 1, p. lxxxiii. See also pp. lxxxiv, lxxxv for description of the manuscript.

⁶ W. L. D. Ios. Baro de Crassier, *Diss. de Confectione Codicis Theodosiani* (Liège, 1825), cited by Haenel, *op. cit.*, p. 87, note s.

esse," thus indicating that the verb *adhaerebunt* refers to *constituta* and the verb *addentur* to the words *quae dicta*, which mean the preceding acclamations.

All of the above readings, except that of Mommsen, are open to the objection that they discard rather than replace letters of the manuscript, where it is not clearly apparent that those letters were erroneously inserted rather than substituted for other letters.⁷ Furthermore, an emendation may well be distrusted if the resultant reading is not suited to the context in both meaning and style. Now those who would make any of the changes involving omission of either or both the words *ad* and *inter* outdo even Anicius Achillius Glabrio Faustus in awkward and illogical expression. For by retaining the word *et* they produce a compound sentence of which the two parts are quite unrelated. Surely a statement as to the entry of a document in the minutes has no connection with Faustus' egotistical effusion about the gratitude due to the Immortal Emperors for announcing their laws to the Senate through him as their mouth-piece. And the incompatibility of the two parts of the supposed compound sentence is even more striking if *adhaerebunt* is interpreted as having imperative force. Since the official in charge of writing the minutes would not have been the presiding officer, as Mommsen's note on his emendation of this passage implies, but the secretary,⁸ it is reasonable to suppose that in the course of the proceedings the presiding officer gave directions to the secretary where that was necessary in order to insure the inclusion of some important matter in the minutes. So here, Faustus ordered the secretary to record the imperial constitution which had been read to the Senate, when he said "*Quae lecta sunt . . . gestis adhaerebunt.*"

Although there are no other surviving minutes of meetings of the Roman Senate, which might give clearer evidence for the proper interpretation of the words of Faustus, those of other groups may be examined for possible clues as to Senate usage.

⁷ It is true that there are numerous instances of superfluous syllables in the Ambrosian manuscript. And one would not question the removal of the letters *cien* from *sciencienciam* in *C. Th.*, I, 5, 1, 4, for example. But it is not so obvious that *ad inter* is a complete addition to the text.

⁸ See *R.-E.*, s. v., *Acta*, I, col. 289; *Ab actis*, I, col. 325; *Senatus*, Suppl. VI, col. 771.

For there were doubtless forms of procedure which were followed generally by various organizations in the Roman Empire, just as there are in deliberative assemblies today, and the Roman Senate must have used some of them; indeed, perhaps it set the pattern for them. It is known that councils of various cities of the Empire and a college of priests, the Arval Brothers, employed acclamations⁹ in the manner of the Roman Senate. So also did the early Christian Church Councils. A comparison of the *Gesta Senatus* with records of the Church Councils reveals further similarities, among them references to the inclusion in the minutes of documents which had been read at the meetings reported, as will appear from passages to be quoted later.¹⁰ Since Roman Senators were participants in these Church Councils, their influence must have been felt in determining matters of procedure. Consequently, it is entirely reasonable to suppose that in like situations similar forms were used by the Church Councils and the Roman Senate. Certainly where on analogous occasions we find the same or equivalent language employed we may properly infer that it was used in exactly the same sense.

It is not necessary, therefore, to rely upon the argument of suitability alone in order to support the interpretation of *adhaerebunt* as having the force of a command, since in similar contexts in minutes of the early Christian Church Councils the present subjunctive, necessarily a polite imperative, is used as well as the future indicative with the same intent in both cases.¹¹ And the interpretation of *adhaerebunt* as thus established renders not only awkward but impossible the emendation which requires the omission of *ad* or *inter*, or of both these words, unless *et* should be omitted also. But the introduction through a scribal error of all three words *et ad inter* seems most improbable.

⁹ See *R.-E.*, s. v. *Acclamatio*, col. 150; *Senatus*, Suppl. VI, col. 774.

¹⁰ See note 11, and quotations for which citations are given in notes 29-35, *infra*.

¹¹ Examples: "Petitorium gesta retinebunt . . . Quae lecta sunt transcribantur" (*Concilium Romanum II sub Gelasio Papa*, 496 A. D., *Patr. Lat.*, LIX, cols. 185, 186). "Recitata venerabilis lex gestis praesentibus inseratur. . . . Lectum edictum gestis adhaerebit" (*Gesta Collationis Carthaginensis*, *Patr. Lat.*, XI, cols. 1261, 1263). This use of the future indicative with imperative meaning was common at this period. It occurs frequently in the laws of the Theodosian Code.

The solution proposed by Mommsen is likewise objectionable. It, too, is rejected by Krueger, who, however, gives Mommsen credit for at least an attempt when he comments: "*et addentur temptat Mo.*" This note of Krueger's fails to mention the considerable addition which Mommsen would make to the manuscript, in order to bolster up his conjecture of *addentur*. Without the addition of those five words (*principum nostrorum constituta quaeque dicta*) or words of similar import, *addentur* is unquestionably redundant, since it merely repeats the sense of *adhaerent*. But to justify the conjecture *addentur* on the basis of so many words introduced into the manuscript because they would be required by the conjecture *addentur* would involve a truly remarkable method of reasoning. Could Mommsen have intended this? And yet there is nothing in the manuscript reading as it stands to indicate any omission such as Mommsen suggests. Nor is there elsewhere in the *Gesta Senatus* evidence which requires this supposition. On the contrary, the fact that later acclamations are recorded without any mention of them, express or implied, by Faustus, shows that such mention was unnecessary. It is only Mommsen's correction of *ad inter*, then, which would make it seem feasible to tamper with what otherwise appears to be a sound text. Reference may again be made to the records of Church Councils in order to support this statement. Although many matters, including acclamations, are recorded in the minutes of the Second Roman Council under Gelasius, for example, the presiding officer gives directions only concerning the entry into the minutes of documents which have been read during the meeting and he does so in even fewer words than Faustus uses.¹² Such directions appear to have been a matter of routine, for which brief expression, more or less formulaic, was desirable.¹³ In the *Gesta Collationis Carthaginensis* the form was reduced to three words: "*Lecta gestis indentur.*"¹⁴ This usage in the meetings of Church Councils does not prove that Faustus could not have said more than the minutes of the Senate report. But it shows that we need not suppose him to have said more, and suggests

¹² See quotations in the preceding note.

¹³ For additional examples, see quotations for which citations are given in notes 29-35, *infra*.

¹⁴ *Patr. Lat.*, XI, col. 1355.

that, in fact, he probably said precisely the words which are recorded.

This inference appears all the more reasonable when one considers the meaning of the words *Gesta Senatus*, "transactions of the Senate." Whatever may have been the status of acclamations in an earlier time when there was still Senate action in the form of *Senatus Consulta*, certainly in the late Empire, when the Senate's rôle in matters of legislation was merely the passive one of receiving announcements of imperial laws,¹⁵ the acclamations which were made in response to such announcements and to the address of the presiding officer assumed the character of a formal procedure. To be sure, so far as any legislative effect is concerned, this procedure was a useless fiction. And yet it was only through these acclamations that the Senate could be represented as taking any part in its own *Gesta*, at least when it was meeting for the purpose of hearing the reading of imperial edicts. Therefore acclamations must have been entered in the minutes as a matter of course.

On the other hand, the word *Gesta* would not include documents which were read to the Senate, in the formulation of which the Senate played no part and which, not being addressed to the Senate by the presiding officer or by the Emperor, called for no direct Senate action, either real or fictitious. The entry of such documents in the minutes would properly be at the discretion of the Senate or of the presiding officer. Too little is known of Senate activity in the fifth century to judge whether this was of more than formal importance at that time. If the Senate still sat as a court in cases of treason, the entry of documents in the minutes, or their exclusion, could have been a matter of real concern.¹⁶ But it would seem remarkable if the practice which was suitable for ordinary documents, that is, of directing the secretary to enter them in the minutes, should have been applied in the case of an imperial communication. An

¹⁵ See *R.-E.*, Suppl. VI, col. 799; Buckland, *A Textbook of Roman Law*, pp. 12-15.

¹⁶ Cf. the following passage in the *Gesta Collationis Carthaginiensis*: Marcellinus vir clarissimus, Tribunus et Notarius, dixit: "Lectum edictum gestis praesentibus adhaerebit, quo constat me evidentius obtulisse, ut si placeret electus a vestra parte mecum alius cognitor resideret" (*Patr. Lat.*, XI, col. 1263).

oratio of the Emperor, as a direct address to the Senate, even though not presented by the Emperor in person, and as the chief item of business, to which the Senate responded by means of acclamations, would seem to be as much a part of the *Gesta* as were the proposals set before the Senate by the presiding officer in an earlier time. Therefore, it ought to require no order to insure its inclusion in the minutes. And yet in the minutes of 438 A. D. the presiding officer does direct the recording of what is in form an *oratio* of the Emperor addressed to the Senate. This *oratio*, however, had been issued nine years earlier, and in Constantinople, by the Eastern Emperor, Theodosius. Probably it never was addressed to the Senate of Rome. Or, if it ever was a direct communication from the Emperor to the Roman Senate, it must have been previously read at a meeting much nearer its date of issuance, and then reread at the meeting of 438 A. D. as part of the ceremony by which the completed code was introduced to the Western Empire. Faustus does, in fact, use the word "relegi"¹⁷ in requesting the Senate to hear the reading of the law, and the minutes state that it was read from the first book of the Theodosian Code. Clearly, then, this law as presented at this time was not looked upon as a direct communication from the Emperor. Its status was that of any ordinary document which might be read to the Senate.

We may deduce from the record as we have it, then, that the remarks of the presiding officer and the acclamations of the Senate, as being properly *Gesta*, were included in the minutes as a matter of course; that documents read to the Senate even when they presented imperial legislation, at least if not directly addressed to the Senate by the Emperor, were included in the minutes by order of the presiding officer.

As a solution of the textual problem I propose an emendation which fits the context perfectly and which is not based on an assumption either that superfluous words were erroneously introduced into the text or that any words have been completely dropped from the manuscript. Furthermore, it is supported by evidence from sources other than the single manuscript of the *Gesta Senatus*. This emendation substitutes *iecit* for the unquestionably erroneous *inter*, so that *adiecit* is read instead of *ad*

¹⁷ In § 3 Faustus says: *si placet amplitudini vestrae, has ipsas leges, quibus hoc idem fieri iusserunt, amplitudo vestra relegi sibi iubeat. . .*

inter. The sentence should then be punctuated by a period after *adhaerebunt* and a colon after *adiecit*. Thus the connective *et* would join the verbs *dixit* and *adiecit*, and this combination would be entirely logical. *Dixit* introduces the words which the presiding officer addresses to the secretary and *adiecit* indicates that he resumes his speech to the Senate. The passage, emended as I propose, then reads as follows:

Anicius Achillius Glabrio Faustus v(ir) c(larissimus) et inlustris, tertio ex praefecto urbi, praefectus praetorio et consul ordinarius dixit: "Quae lecta sunt sui cum veneratione, gestis adhaerebunt." Et adiecit: "Hanc quoque partem inter beneficia aeternorum principum numero, quod per me magnitudini vestrae ea, quae pro legibus suis statuere dignati sunt, intimarunt."

This emendation retains the same number of letters as appear in the manuscript. It assumes a slight scribal error, affecting only the last four letters of the word *adiecit*. This could have come about in various ways. The division of the word in an earlier manuscript so that *iecit* began a new line, perhaps a new page, is suggested as a possible circumstance conducive to this mistake, and one which seems highly probable in view of the fact that the erroneous reading consists of two successive prepositions. Then starting with the correct initial letter *i*, the copyist could have been led to write *inter* by the fact that he took this to be the beginning of a sentence, where he would not expect the verb *iecit*, and the preposition seemed suitable since it was followed by words in the accusative case. The *inter* which appears a few words further on in the passage may have had some influence also. Furthermore, the copyist may have misinterpreted letters or symbols in the word which he was copying. For example, he may have read *ci* as *te*.¹⁸ Then, especially if the

¹⁸ The letters *e* and *i* are often interchanged in the Ambrosian manuscript, as: *permitteremus* for *permittimus*, *C. Th.*, I, 1, 2, 4; *praecipimus* for *praecipimus*, I, 4, 1, 3; *dirigatur* for *derigatur*, I, 5, 3, 6; *exigerit* for *exegerit* *conquerantur*, I, 10, 7, 6/7. Following are instances of *c* displacing *t*: *potuerit* for *placuerit*, I, 1, 5, 4²; *atstucione*, corrected to *adstruccione*, for *adscriptione*, if the emendation is correct, I, 16, 2, 2; *tornicularius* for *cornicularius*, I, 5, 11, 1; *solitudinis* for *solicitudinis*, I, 6, 5, 4. The reverse error, *c* for *t* occurs most frequently where the consonant is followed by *i* plus another vowel (obviously a phonetic error), but also in other combinations, as: *innocenciam* for *innotitiam*, I, 6, 11, 3; *Cuciane* for *Tatiane*, I, 15, 13,

fourth and last letters, *e* and *t*, were none too legible, he may have guessed *inter*. He may even have thought that he saw *r* instead of *t*, a type of error of which there seems to be some evidence in this manuscript.¹⁹

Or the error may have occurred as the result of an attempt to expand an abbreviation or what was thought to be an abbreviation. This may well have happened, since many other errors in the Ambrosian manuscript obviously have such an origin.²⁰

1; *hec* for *et*, I, 15, 10, 5 and I, 22, 2, 4; *cultores* for *tutores*, II, 4, 1, 13. The addition of the syllable *ic* in writing *milicitie* for *militie*, I, 9, 1, 9, and the omission of the same syllable in writing *felitas* for *felicitas*, *Gesta Senatus*, § 2, 12, may be due to similarity of the letters *c* and *t*.

¹⁹ The omission of *et* immediately before *er* of the word *inveteratae*, *C. Th.*, II, 1, 1, 4, and of *ti* following *ri* of *avaritia*, *C. Th.*, I, 1, 5, 25, may be due to the fact that *t* and *r* looked somewhat alike. *Actibus* for *artibus* at *C. Th.*, I, 9, 1, 12 could have come about in the same way. That is, *artibus* may have been changed to *attibus*, then to *actibus*. But perhaps in both cases *r* was confused with *c*. Then since *c* and *t* are also confused in the Ambrosian manuscript, not always by a phonetic error, apparently, the possibility of confusion of *r* and *t* follows. Cf. Havet, *Manuel de Critique Verbale aux Textes Latins*, § 656, in which the errors *c = t* and *r = t* or *c* are noted as appearing in a manuscript of the early fourteenth century.

²⁰ Examples: *vicarius*, *Gesta Senatus* § 1, line 10, and *vicarum*, *C. Th.*, I, 9, 1, 3, for *vir clarissimus*, evidently an erroneous interpretation of the abbreviation *v. c.*, or possibly the mistake occurred in the abbreviation itself, which may have been written *vir.*, then *vicr.*, and therefore finally *vicarius* (cf. *vicr.* in *Gesta Senatus*, § 1, line 7); various garbled versions of *praefecto praetorio*, as *ppsito* (i. e. *praeposito*), *C. Th.*, I, 5, 14, 1, *pampeio*, *C. Th.*, I, 6, 10, 1 and I, 20, 1, 1, *popetum*, *C. Th.*, I, 10, 1, 1, *praestro* (Ab) in the Rescript to the Constitutionaries, line 20, all of which, since they reduce the two original words to one of considerably fewer letters, must have resulted from some abbreviation, perhaps from *ppo*, which was frequently used in manuscripts of the Theodosian Code (Krueger, *op. cit.*, p. ii); *largiter* for *largitionum* (*C. Th.*, I, 10, 4, 1) apparently from the abbreviation *largit'*, which appears to be retained in the manuscript at *C. Th.*, I, 10, 3, 1 (*largitinominibus* for *largitionum in omnibus*); the meaningless *nam e* for *nostrae* (*C. Th.*, I, 1, 5, 21), probably from an abbreviation such as *nae* or *ne* (cf. Cappelli, *Lexicon Abbreviaturarum*, ^e*N* for *nostrae*, 230, *na* for *nostra*, 232, *ni* for *nostri*, 235, *nas* for *nostras*, 236). Numerous mistakes in endings, as the confusion of the verb endings *-t* and *-nt*, *-tur* and *-ntur*, and also of case endings, appear to be due to the same cause. For example: *transcribantur* for *transcribatur*, *Gesta Senatus*, § 7, 4⁴; *fuerint* for *fuerit*, *C. Th.*, I, 1, 5, 22; *sectatur* for *sectantur*, *C. Th.*, I, 4, 1, 3;

Thus, if certain letters of the last two syllables of *adiēcit* had been previously omitted, the remaining letters may have been mistaken by a later scribe for an abbreviation of *inter*.

For example, since accidental omissions of groups of letters are frequent in the Ambrosian manuscript²¹ and these may represent faults of an earlier manuscript, it may well be that *iecit* had similarly suffered the loss of the letters *iec* or *ecit*. In that case, the remaining *it* or *i* was understood by the scribe to represent *inter*.²²

Intentional abbreviation of *adiēcit* could have occurred in several possible ways, such as by shortening the ending *it* to *t*.²³ Then a later scribe could have taken the *t* as an abbreviation of *ter*,²⁴ and this would have convinced him that *iec* should be written as *in*. Perhaps the letters *iec*, too, had suffered some loss or abbreviation which contributed still further to the reading *inter*. If, for example, *i^c* had been written for *iec*,²⁵ this, if the suprascript had become indistinct, may have appeared to be an abbreviation for *in*.²⁶ Or the ending *it* may have been indicated merely by a mark,²⁷ so that *iecit* would have appeared as

neglegentiam for *neglegentia*, *C. Th.*, I, 10, 7, 6; *correctoribis* for *correctori*, *C. Th.*, I, 16, 1, 1; *honorem* for *honoris*, *C. Th.*, I, 16, 6, 8. *Probono* for *probo*, *C. Th.*, II, 4, 6, 10 and *Passivo filio* for *Pasifilo*, II, 1, 8, 1 seem to indicate that the original words were thought to be abbreviations.

²¹ Examples: *geralium* for *generalium*, *C. Th.*, I, 1, 5, 18; *prid.* omitted, *C. Th.*, I, 5, 10, 2; *subiit* omitted, *C. Th.*, I, 6, 5, 2; *neque adprobare* for *nequeat adprobare*, *C. Th.*, I, 10, 1, 4; *Vencium* for *Vincentium*, *C. Th.*, I, 15, 15, 1. These omissions often are apparently due to some similarity between the lost group of letters and an adjacent group. If the *e* of *iecit* had been written as *i*, the loss of *iic*, especially if *c* and *t* were confused, would be precisely this type of error.

²² See Cappelli, *op. cit.*, pp. 168, 176, 190, 192, 193.

²³ This possibility is suggested by the frequent confusion of verb endings *-t* and *-nt* in the Ambrosian manuscript (see note 20 *supra*), which could be explained by the use of the abbreviation *t̄* for both endings in an earlier manuscript. See Cappelli, *op. cit.*, p. xx.

²⁴ For final *t* *ter*, see Havet, § 747; Cappelli, *op. cit.*, p. xv. Examples in manuscript A: *vigilant.* for *vigilanter*, *C. Th.*, I, 10, 6, 3; in the *Gesta Senatus* § 4, according to Krueger, *inlust.*, probably for *inluster*, since the ending *ter* rather than *tris* is preferred in the *Gesta Senatus*.

²⁵ For suprascript *c* = *ec*, see Cappelli, *op. cit.*, p. xxxix. Cf. *adiete* for *adjective*, *ibid.*, p. xiv.

²⁶ See Cappelli, *op. cit.*, p. xx.

²⁷ This is suggested by the following abbreviations in the Ambrosian

iec' or perhaps *ieċ*.²⁸ Then if the final *c* was read as *t* and mistaken for *ter*, *inter* would be the result of the copyist's attempt to correct the impossible *ieter*.

This proposed emendation of the manuscript is supported in what appears to be conclusive fashion by records of other deliberative bodies of the late Roman Empire, which are the best source of evidence in the absence of any other official reports of meetings of the Roman Senate. Most numerous parallels to the use of the words *Et adiecit* as in my conjecture occur in minutes of early Christian Church Councils. These records follow the pattern of the *Gesta Senatus* so closely in passages similar to the one under discussion that it seems highly probable that the same phraseology, or substantially the same, was generally employed at this period in recording a procedure of this sort. The following quotations give examples of this usage:

Marcellinus vir clarissimus, Tribunus et Notarius, dixit: "Utrarumque partium prosecutiones gesta retinebunt." Et adiecit: "Quod praeceptum est, recitetur."²⁹

Marcellinus vir clarissimus, Tribunus et Notarius, dixit: "Lecta gestis indentur." Et adiecit: "Quoniam inter multas conditiones. . . ."³⁰

Marcellinus vir clarissimus, Tribunus et Notarius, dixit: "Lectae cautiones gestis praesentibus adhaerebunt." Et adiecit: "Quoniam constat . . . superest ut principale negotium proponatur."³¹

Marcellinus vir clarissimus, Tribunus et Notarius, dixit: "Id quod lectum est gestis praesentibus adhaerebit." Et adiecit: "Et quoniam in hoc . . . ea quae dudum sunt oblata recitentur."³²

Quo lecto, Gelasius Episcopus dixit: "Petitorium gesta retinebunt." Et adiecit: "Ipse nunc Missenus adveniat. . . ."³³

manuscript, which may have been retained from an earlier manuscript: *flagitab'* for *flagitabit*, *C. Th.*, I, 10, 4, 6; *sustineb'* for *sustinebit*, *C. Th.*, I, 16, 5, 5.

²⁸ For final *c* = *cit*. see Havet, *op. cit.*, § 747; Cappelli, *op. cit.*, p. xv.

²⁹ *Gesta Collationis Carthaginensis*, 411 A. D., *Patr. Lat.*, XI, col. 1354.

³⁰ *Ibid.*, col. 1355.

³¹ *Ibid.*, col. 1365.

³² *Ibid.*, col. 1414.

³³ *Concilium Romanum II sub Gelasio Papa*, 495 A. D., *Patr. Lat.*, LIX, col. 185.

Gelasius Episcopus dixit: "Quae lecta sunt transcribantur." Et adiecit: "Quid videtur fraternitati vestrae statuendum. . . ." ³⁴

Symmachus Episcopus Catholicae Ecclesiae urbis Romae dixit: "Acclamationes vestras synodique indicium (iudicium?) praesentia gesta suscipient." Et adiecit: "Ea quae. . . ." ³⁵

The words *et adiecit*, introducing a direct quotation, do not always follow directions given to the secretary by the speaker. They are used in other contexts, as follows:

Ambrosius Episcopus dixit: "Nondum resipuisti." Et adiecit: "Ne quid illi videatur esse subreptum, confirmet sententiam suam. . . ." ³⁶

Marcellinus vir clarissimus, Tribunus et Notarius, dixit: "In omni petitioni vestrae satisfactum esse cognosco." Et adiecit: "Praesentes sunt episcopi. . . ." ³⁷

Marcellinus vir clarissimus, Tribunus et Notarius, dixit: "Probabilis excusatio est." Et adiecit: "Alius recitetur." ³⁸

Gelasius Episcopus Ecclesiae Catholicae urbis Romae dixit: "Meminit dilectio vestra. . . ." Et adiecit: "Miseni libellus denuo recitetur." ³⁹

Sancta synodus dixit: "Non licuit." Et adiecit: "Lege sequentia." ⁴⁰

It appears from the above quotations that the words *et adiecit* were virtually a formula, used to indicate some discontinuity, digression, or other marked change in the thought of the speaker, particularly when this involved a change in the person or persons whom the speaker addressed. Thus when a presiding officer gave directions that some matter be entered in the minutes, or that a document be read, the words *et adiecit* were used to indicate that he resumed his speech to the assembly; or, stated more generally, whenever an address to the assembly followed words directed to an individual, or vice versa, the words *et adiecit*

³⁴ *Ibid.*, col. 186.

³⁵ *Synodus Romana Prima sub Symmacho Papa*, 499 A. D., *Patr. Lat.*, CXXX, col. 995.

³⁶ *Gesta Concilii Aquileiensis*, 381 A. D., *Patr. Lat.*, LXII, col. 449.

³⁷ *Gesta Collationis Carthaginensis*, *Patr. Lat.*, XI, col. 1279.

³⁸ *Ibid.*, col. 1281.

³⁹ *Concilium Romanum II sub Gelasio Papa*, *Patr. Lat.*, LIX, col. 183.

⁴⁰ *Exemplar Constituti facti a Domino Symmacho Papa de rebus ecclesiae conservandis*, *Patr. Lat.*, LXII, col. 75 and CXXX, col. 997.

would mark the change. This corresponds exactly to the situation in the *Gesta Senatus* at the place where the words *et ad inter* occur.

Even more important in their bearing on the question of the practice of the Roman Senate are evidences of a similar formulaic use of the words *et adiecit* in the official records of other governmental bodies of the Roman Empire. Excerpts from such official records occur in the Theodosian and Justinian Codes, and these supply two instances in which the words *et adiecit* serve a purpose similar to that for which they are employed in the reports of the Church Councils, and, supposedly, in the *Gesta Senatus*. Both of these excerpts are taken, apparently, from records of cases tried in the Imperial Consistory.

In the earlier of these two citations, the judgment of the Emperor Caracalla is quoted as follows:

Antoninus Augustus dixit: "Restituo te in integrum provinciae tuae." Et adiecit: "Ut autem scias quid sit in integrum: honoribus et ordini tuo et omnibus ceteris."⁴¹

Here the words *et adiecit* mark the close of the Emperor's decision, which is in effect an order respecting the appellant. What follows is no part of this decision; it is merely an explanation of the technical words *restituo te in integrum*. Thus the words *et adiecit* indicate a change in the intention with which the Emperor makes the two statements.

The second quotation, from a case adjudicated by the Emperor Constantine, contains the following:

Constantinus A(ugustus) dixit: "Sed iure continetur, ne quis in administratione constitutus aliquid compararet, unde quidem nihil interest, an in suo pago an alieno comparavit, cum constet contra ius eundem comparasse." Et adiecit: "Ignoratis fiscale effici totum, quidquid administrantes comparaverunt?"⁴²

In this instance, the words *et adiecit* mark the change from a general statement in the third person, to a question directed to a second person.

There is also a passage in Velleius Paterculus which suggests that at least as early as the first century B. C. the words *et adiecit* were used as in the sources previously quoted. Following is the pertinent part of this passage:

⁴¹ C. J., IX, 51, 1.

⁴² C. Th., VIII, 15, 1.

Qui cum dissuadens legem in contione dixisset esse quidem praeclarum virum Cn. Pompeium . . . adiecissetque: "Si quid huic acciderit, quem in eius locum substituetis?" adclamavit universa contio, "Te, Q. Catule."⁴³

This single sentence, which is so constructed as to lead up to the shouts of the assembly as a dramatic climax, has the appearance of following very closely a non-literary, possibly official, contemporaneous report of the assembly meeting, which was probably arranged as follows:

Catulus dixit: "... " Et adiecit: "Si quid ..." Adclamavit universa contio: "Te, Q. Catule."

Here we have an address to the assembly in which Catulus states his opinion of Pompey, only summarized in Velleius Paterculus' indirect quotation, and then the words *et adiecit* introducing a question directed to the assembly. This follows the pattern disclosed by the sources cited above, all of which are of a much later date, and so leads to the supposition that here is a usage which prevailed for centuries.

Although the evidence that the words *ad inter* should be emended to read *adiecit* seems decisive, other possibilities may be considered. Only two appear to be worthy of mention. In the *Gesta Concilii Aquileiense*, in which the words *et adiecit* introduce remarks of Bishop Ambrosius, as quoted above,⁴⁴ the words *et addidit* are used in other passages in exactly the same way.⁴⁵ So far as meaning is concerned there is apparently no choice, and if Mommsen had suggested the emendation *addidit* instead of *addentur* there would have been little point in differing with him. This use of the word *addidit* in the minutes of the Council of Aquileia, however, is unusual in such records. And the only governmental records which, so far as I know, can throw any light on this problem, employ the word *adiecit* in similar situations. Consequently, *adiecit*, as being the word more generally employed in the manner required by the context, seems

⁴³ Velleius, II, 32, 1.

⁴⁴ See note 36 *supra*.

⁴⁵ Ambrosius Episcopus dixit: "Filius Dei. . . ." Et addidit: "Qui Filium Dei negat habere immortalitatem, quid vobis videtur?" (*Patr. Lat.*, LXII, col. 438). Ambrosius Episcopus dixit: "Cujus? . . ." Et addidit: "Multas impietates congessit Arrius, ad alias transeamus" (*ibid.*, col. 439).

preferable as the emendation of the words *ad inter*. Besides, this emendation has the advantage of requiring no change in the first three letters of the manuscript. Another expression which occurs repeatedly in the records of the Church Councils is the phrase *et iterum*.⁴⁶ Although the change from *iterum* to *inter* is temptingly easy, this would not account for the *ad* in the manuscript. Furthermore, the contexts in which the words *et iterum* appear in these records do not correspond to those in which we find the words *et adiecit* in the various sources, nor to that of the passage in question in the *Gesta Senatus*. For the former phrase is generally found in connection with quotations from writings where it is used to indicate each new passage in a series cited for the purpose of reënforcing an argument. Thus two quotations joined by *et iterum* present the same thought in different language. The words *et iterum* are used to emphasize likeness, not variation. Consequently, they are unsuitable for use in the corrupt passage of the *Gesta Senatus*, where an expression is needed to mark a change of thought.

The evidence, then, favors the use of the words *et adiecit*, rather than some other expression, to indicate a break in continuity of thought such as occurs in the *Gesta Senatus* following the words *et ad inter* of the manuscript. And since the corruption of *adiecit* resulting in the manuscript reading is easily explained, the substitution of this word for *ad inter* appears to be the most reasonable solution for this difficulty in the text of the *Gesta Senatus*. And this simple correction of the manuscript, by disclosing a form which was used in keeping the minutes of the Roman Senate as well as of other deliberative bodies of this period, clarifies at an important point the picture of Senate procedure as it is presented in these minutes.

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⁴⁶ As in *Synodus Diospolitana in Causa Pelagi*, *Patr. Lat.*, XLIV, cols. 327, 337.

REVIEWS.

ERNST LEVY. *Pauli Sententiae. A Palingenesia of the Opening Titles as a Specimen of Research in West Roman Vulgar Law.* Ithaca, Cornell Univ. Press, 1945. Pp. xii + 131. \$2.75.

Before the Nazi catastrophe, Professor Ernst Levy was joint editor of the *Romanistische Abteilung* of the *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte*, and professor of Roman law at Heidelberg. In his *Hergang der römischen Ehescheidung*, published in 1925, he presented with exemplary thoroughness and acute analysis the development of the Roman law of divorce. Later in 1929 with Ernst Rabel, his fellow editor of the *Zeitschrift*, he published the Index of Digest-Interpolations which Ludwig Mitteis had begun. These books, together with his many critical and editorial comments, placed him in the forefront of living Romanists, and to the enrichment of our legal and historical scholarship both he and Rabel have found it possible to continue their work in American universities.

It is much to be regretted that the seed which Levy, for one, is so competent to cast, must necessarily fall on rather ill-prepared ground. The position of Romanistic studies in the United States is unsatisfactory despite the admirable work done in the Riccobono Seminar of the Catholic University at Washington under the inspiration of Mgr. Fr. Lardone. Professor Levy himself, as well as scholars of other universities, has at various times been associated with the work of the Riccobono Seminar. On the philological side, Professor Clyde Pharr of Vanderbilt University has kept the flame alive.

The difficulty is that the combination of philological and historical competence with complete juristic training is rarer in the United States than it was in Germany before 1933 or in France or Italy, or even in a common law country like England. And such a combination is essential for any real understanding of one of the greatest of European cultural achievements, the legal development that began with the Twelve Tables and a thousand years later reached its culmination, although not its conclusion, in the legislation of Justinian. It is idle to attempt this understanding without a command of all the tools by which historical studies are carried out.

The importance consequently of this book, the first fruits of Levy's American career, is not merely in the conclusions he offers, but in its character as an example of the type of research which in nineteenth century Germany was carried to so high a degree of craftsmanship. Indeed, this character of the book is indicated in its very title.

Levy tells us in the preface that his analysis covers only about ten percent of Paul's *Sentences* and that only a part of what he has already written is published here. Further, he refers us to an article in *Medievalia et Humanistica*, I (1943), pp. 14-40, for a pro-

legomenon to these studies. Their general purpose, to quote the preface (p. vii), is "to elucidate the process of vulgarization which pure Roman law was then (i. e. between the third and sixth centuries of our era) undergoing particularly in the Western half of the Empire."

With this purpose before him, Levy's analysis proceeds by considering no less than five points in regard to each "sentence," i. e. "the topic under which the rule had its place in the classical period; the source of the statement of Paul which the author of the *Sentences* may have drawn upon; the complete meaning of the sentence; the origin of the rule; and finally who the author of this particular sentence was." To determine the last he has to deal with no less than six possible persons or groups of persons: the original author (not Paul) who compiled the *Sentences* before 300; the authors of the alterations between 300 and 450; the author of the alterations "closely related to the *Interpretatio*," between 400 and 450; the compilers of the *Lex Romana Visigothorum* of 506, to which we owe the traditional text of most of the *Sentences*; the authors of alterations made before Justinian; and finally the compilers of the *Digest* (533 A. D.). The net result is that for those who are unversed in this technique, the book constitutes an admirable guide in discovering how such studies have been conducted and in demonstrating the results we may expect of them.

That a short treatise called *Sentences* in five books, ascribed to Paul, who was a member of the council of Alexander Severus, existed in 506 A. D. is of course certain. That it was this book which was excerpted by the *Digest* Commission is equally certain. We may further say that this same book was widely used in the fifth century and possibly the fourth, since passages from it occur in the *Consultatio*, the *Collatio*, and the *Vatican Fragments*.

Was this book written by Paul himself and dedicated *ad filium*, as one of the manuscripts of the *Lex Romana* states? Levy declares that it was not, but that the "sentences" form a collection made some time before 300 by another person. This is assumed rather than proved and the assumption is quite gratuitous. When we attempt to follow Levy in the minute discriminations of substance and procedure which indicate for him successive changes made in most of the sentences, between the time of Paul himself—who concededly was the source of most of the material—and the *Digest*, which is the latest form in which we find it, our assent will be largely determined by our general attitude to the method employed.

This method is in part the accepted one of *Quellenforschung* about which one can say in general that it suffers from a constant tendency to erect slight indicia into conclusive evidence. In Romanistic study it has the special form of the "theory of interpolations," as that theory was developed in Germany during the latter half of the nineteenth century, largely stimulated by the work of Eisele and Gradenwitz. I see no reason for modifying the judgment I expressed long ago that, far more than Homeric "criticism," the *Interpolationsforschung* is an aberration in historical research and that we shall do well to discard most of its formulae and devices.

We shall be on much more solid ground if we assume *prima facie*

that the texts of Roman jurists which we find excerpted in our sources—including the *Digest*—are substantially as they were written and if we posit “interpolations” or modifications only when there is a fairly plausible reason for assuming them. Such plausible reasons can be found much more frequently than would be the case in the transmission of a literary work, but they cannot be made to depend on “rules of art” which are little better than mechanical formulae, nor on verbal “test” or “key” words. Not a single one of these key words has been confirmed in the not inconsiderable number of texts turned up in the papyri and many of them have been contradicted by these discoveries.

Every case is an individual one and every suggested interpolation can secure itself only *suo Marte*. And in determining whether a given statement represents earlier or later law we must bear in mind that legal reforms are rarely complete renovations and that legal practice readily tolerates archaisms of terms, of procedure, and of substance.

But if the method of the interpolationists has attained few results that can be accepted with any confidence, that is not to say that the labors of two generations of scholars have been altogether futile. It may well be called worse than futile in such extreme instances as the writings of Albertario, Solazzi, or Beseler, but in hands of men like Mitteis or Lenel, Rabel or Levy, the method has been applied with a sense of responsibility and with real historic insight. If even in the work of these eminent scholars I find conclusions which are inadequately supported, that is, I think, due to the inherent vice of the method itself.

So far as this particular book is concerned, the extremes of the interpolation theory are rarely found. Solazzi and Albertario, when mentioned at all, are usually cited as opposed to the view stated. We none the less find references to verbal tests (p. 65, n. 307) which give ground for some uneasiness.

But the chief difficulties are really the habit of treating legal terms and ideas as they appear in our sources as though they had something of the precision of mathematics or the experimental sciences. Most legal formulations are approximate only and overstate or understate the generality of a rule. This did not affect the practical aspect of any question, because in the practical aspect the facts were in the mind of the formulator and would be implied when the statement is read. We often have to guess at the factual background, and that ought to make us hesitate to assume that apparent contradictions imply substantial changes deliberately made in the texts.

So, in many of the Sentences analyzed, a comment based on a slightly more realistic attitude toward legal situations might qualify Levy's conclusions. He finds (p. 4, n. 9) in I, a, 1, that the interpretation of *tractare* as suggested in the *Vocabularium Juris prudentiae* is “unfortunate.” Still, that interpretation is not so easily rejected. The phrase *in auditorium* is a stumbling-block. Nor is it certain that the constitution of Justinian of 529 (*Cod. Just.*, I, 51, 14, pr.) would have required the rule of I, a, 1 (*Dig.*, I, 22, 51) to be discarded. It may well be that the form which the rule takes in the

Basilica (VI, 24, 11) expresses the original idea. There is no question here of the *consiliarius* acting as pleader either in his own court or in another. He is merely forbidden to hear what is in effect an appeal from his own decision as inferior magistrate. He may, however, submit the case to another judicial chamber. This, it may be said, is not a matter of course. The Byzantine rule is like that of American courts, but in England the practice seemed unobjectionable. Levy himself calls attention to the fact that *negotium* is more than *causa*. Indeed, *Dig.*, I, 22, 1, also from Paul, enumerates at least six different types of *negotia*.

Again, in the comment on I, a, 2 (pp. 4-7) we may doubt that a real antinomy is present in the insertion of *domicilium*. Savigny's correction of *libertarum* to *libertorum* has, as Levy says, been accepted by all editors, although Mommsen gives it merely footnote credit in the ordinary text and has a question mark in the *editio maior*. We may query whether we are not dealing with a sort of haplography. Did the text read *fili libertorum libertarumque [et] libertorum libertarumque liberti*?

As a matter of fact, Volterra (p. 5, n. 14) may be right in rejecting Savigny's emendation, although in general I can rarely find Volterra's theories acceptable. The *libertae* were not in the same condition as the *liberti*. The patron's relation to his *libertae* was somewhat different from that to his *liberti* and it may have been important to mention them separately. Cf. Modestinus in *Dig.*, L, 16, 105. To be sure we shall have to insert an *et eorum*.

And, since we are concerned with two groups, the children and the freedmen of freedmen, why may not *domicilium* refer to one and *origo* to another? The more concise form in which this rule appears in Ulpian (*Dig.*, L, 1, 6, 3) does not contradict that. Nor does the fact that in the *Theodosian Code* (XII, 1, 77, [372 A.D.]) we find the phrase *origo et patria* prove that these terms exclude each other.

These comments are merely illustrative. The richness and fullness of analysis which Levy gives has value not merely in itself, but in the stimulation it affords. We can only hope that he will find it possible to continue his work so that we may see a full edition of the *Sentences* from his hand. Perhaps by that time the *Interpolationsforschung* will have died a natural death.

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ELIZABETH HAZELTON HAIGHT. *More Essays on the Greek Romances*. New York, Longmans, Green and Co., 1945. Pp. xi + 215. \$2.50.

The present volume, the latest in the author's impressive series on ancient fiction, contains a rather heterogeneous group of studies. Having nearly exhausted the list of true Greek romances in her previous *Essays on the Greek Romances*, she has here assembled

four chapters on 1) the Pseudo-Callisthenean *History of Alexander*, 2) the *Acts of Paul and Thecla*, 3) the *Acts of Xanthippe and Polyxena*, and 4) Philostratus' *Life of Apollonius of Tyana*. To these are added two studies in comparative literature, 5) "Apuleius and Boccaccio" and 6) "Apollonius of Tyre and Shakespeare's *Pericles, Prince of Tyre*."

One may fairly question whether the first four works can be designated accurately as "Greek romances." If we adopt Calderini's apt definition of a Greek romance as "a literary composition of love and adventure, in narrative and descriptive form, inspired partly by fact and partly by fancy, written for the amusement of the public, and occasionally as a rhetorical exercise for the author,"¹ we may show, I think, that these works at best belong only at the outer periphery of the genre. The *History of Alexander* is certainly adventurous and "partly inspired by fact," but the central theme of love is missing, and the "fact," i. e., the history, which is merely the *décor* of a true romance, is here the chief interest, designed with all its "romanticism" primarily to stimulate national pride, and not "for the amusement of the public." The two apocryphal *Acts*, while possessing themes of one-sided love and a possible modicum of fact,—at least in some of the proper names,—were developed and circulated in the misty, emotional atmosphere of early Christian hagiography, the first purpose of which was not to amuse, but to inspire.² The *Life of Apollonius of Tyana* in turn is certainly "a rhetorical exercise for the author" with incidental "amusement of the public," but again the central theme of love is lacking and the adventures, though present in abundance, are pseudo-philosophical in interest and inspirational in purpose. In short these first four chapters might well be classed with the last two, not as "Essays on Greek Romances," but as studies in comparative literature which demonstrate how the various elements of the coördinated whole of true Greek romance are redistributed with shifting emphasis and specialized purpose among glorified national history, inspirational Christian propaganda, and sophistic occultism.

Nevertheless, these divergent types do possess many mechanical features in common with the homogeneous group of true romances, and Professor Haight's isolation and comparison of those features has the undoubted advantage of focussing sharply clear pictures of the action in each. This after all is probably of more importance to the modern reader who cannot be expected to recapture the

¹ A. Calderini, *Le Avventure di Cherea e Calliroe* (Turin, 1912), p. 4: "... quel componimento letterario di passione e di avventure, che racconta e descrive, traendo ispirazione in parte dalla realtà, in parte dalla fantasia, fatto poi per diletto del pubblico e non di rado per esercizio retorico dell' autore."

² This difference in genre is now further emphasized by the recent demonstration (not noted by the author) that the *Acta Pauli et Theclae* actually did form but a part within the larger framework of the *Acta Pauli*. See W. Schubart and C. Schmidt, *Πράξεις Παύλου* (Glückstadt and Hamburg, 1936), pp. 120-2. Schubart does remark, "Hat sie (i. e., die Thekla-Erzählung) sich doch schon früh ausgelöst und ist selbstständiger Roman geworden," but this certainly implies that the work was not *originally* intended as a romance.

nostalgic patriotism, the wondering reverence, and the thirst for the occult which were satisfied respectively in the ancient reader by this or that combination of the elements of the true romance.

As in her previous books, the author includes skillful summaries of the works which she discusses, reducing, for example, the 146 pages of Kroll's Greek text of the *Alexander History* to twenty-six pages with no significant loss of the story. Only the ungainly mass of Philostratus' eight books on Apollonius of Tyana has forbidden all but the barest outline. Each summary is accompanied by a brief presentation of the leading theories on authorship, date, historicity, and internal structure, based on the specialized work of men like Ausfeld, Ramsay, M. R. James, and Phillimore.

In her discussion of the *Alexander History*, aside from her enumeration of "romantic" elements, the author stresses that element of the biography of Alexander which Plutarch had called "the signs of the soul." Both in her text and in tabular form in Appendix I, she confronts most instructively the chief historical items of the Life with those "tendencies and ideologies" which developed successively in Alexander's career and which help to explain the selection and invention of many of the anecdotes. There is no attempt naturally in so limited a compass to touch on the huge literature on the subsequent influence of the Alexander story.

The chapters on the so-called Christian Greek romances illustrate interestingly the "popular interests of the early Christians" and on pages 61-65 may be found a slight contribution to the history of Christian art in the assembling of four representations of Thecla, two from the fifth, and two from the fifteenth century.

In the course of describing the sophisticatedly philosophical *Wundererzählung* of Philostratus, the author, in spite of her—to my mind—distorted view that it is a romance and to be treated as such, groups conveniently on pages 98 f. the best of the inset stories, and on pages 105-7 the numerous incidental references to Greek literature, music, and art, thus guiding the general reader to the most attractive parts of the work. It is to be regretted that the careful documentation on pages 96 f. and elsewhere of Philostratus' efforts to establish Apollonius as a *θεῖος ἄνθρωπος* was not used with other evidence to show that this work, instead of being a "romance with special orientation," belongs rather, like the unsophisticated Christian *Acta*, to which it is the pagan counterpart, to the literature of mysticism, the ultimate products of which are the mediaeval Saints' legends, and not the romances of Eustathius or Eugenianus.

The remaining two chapters are on "Apuleius and Boccaccio" and on "Apollonius of Tyre and Shakespeare's *Pericles, Prince of Tyre*." In the former, after an appreciatively detailed comparison of the Apuleian and Boccaccian versions of the lush *novellae* "The Lover Hid in the Cask," and "The Baker's Wife," the author proceeds to a full translation of those sections of Boccaccio's *De Genealogiis Deorum* which deal with Psyche and Cupid. (The Latin text is reprinted from a Vassar incunabulum in Appendix II.) This serves as a basis for a discussion of Boccaccio's simplification and allegorical treatment of Apuleius' original.

The last chapter will be of considerable interest to Shakespearean scholars, as well as to students of ancient romance. The story of

Apollonius of Tyre, though preserved only in a Latin version, is a true Greek romance, closely allied in structure and manner to the *Ephesiaca* of Xenophon. Again we have summary and analysis, after which Professor Haight, following in general the work of A. H. Smyth (*Shakespeare's Pericles and Apollonius of Tyre*), traces the order of descent through Godfrey of Viterbo's *Pantheon*, Gower's *Confessio Amantis*, the *Gesta Romanorum*, and Lawrence Twine's *The Patterne of Painefull Adventures*. Although she offers no opinion on the moot point of the relative indebtedness of Shakespeare to Twine and to the *Gesta Romanorum*, she does point out the striking fidelity of Shakespeare to the ancient story of Apollonius in spite of certain innovations and changes which she enumerates. On the question of authorship of *Pericles*, the results of her examination "incline (her) without proof to the theory that Shakespeare wrote *Pericles, Prince of Tyre* at two periods of his life and never completed his revision."

This book will serve a good purpose in bringing to the attention of a larger public a very little known field of Greek literature, which is to a considerable degree parallel to romance in its mechanisms, but quite distinct from it in original purpose and in subsequent development.

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PUBLICATIONS DE LA SOCIÉTÉ FOUAD I DE PAPYROLOGIE: TEXTES ET DOCUMENTS, Vol. V, *Zenon Papyri*, Nos. 59801-59853 (*P. Cairo Zenon*, Vol. V), by C. C. EDGAR. Ouvrage posthume édité par les soins de O. Guéraud et P. Jouguet. Cairo, Institut Français d'Archéologie Orientale, 1940. Pp. xiv + 63. 35 Egyptian Piastres.

While this, the latest and presumably the last of the volumes of the *Zenon Papyri* in the Egyptian Museum in Cairo, appeared early in the war, conditions made impossible any dissemination of it in the United States at that time, and, so far as is known to me, no notice of it has appeared in our journals. The material consists of a fragment of the archive which remained long in private hands in Cairo, until it was bought in 1937 by the Société Fouad I de Papyrologie from the great antiquities dealer, Maurice Nahman. The late Dr. Ibscher gave the sheets his expert treatment, and their publication was entrusted to Edgar, retired but by no means inactive, and for twenty years the acknowledged master in this field. His sudden death in May 1938 found the manuscript almost ready. Octave Guéraud, secretary of the Société and Keeper in the Egyptian Museum, and the old master of papyrology, Pierre Jouguet, completed it and saw it through the press. The former added an admirably sympathetic and charming account of the career of Edgar, a man of such reserve that even his Christian names were known to few of his colleagues, not to mention the fact that, before he became a papyrologist, he published six substantial volumes of the *Catalogue*

Général of a purely archaeological nature. Guéraud further verified the readings of Edgar on the original papyri, and in this connection pays a remarkable tribute to that scholar's ability as a paleographer. "Without claiming for him the ridiculous privilege of infallibility," he writes, "I can say that the copy of a text established by Edgar has every chance of being a *κτῆμα ἐς αἰεί*, and that in trying to nibble at it, one risks breaking his teeth." I know, for example, that Guéraud has checked all of the new readings proposed in *Aegyptus* by Naber, at times with considerable plausibility, and found them without exception impossible.

The editing follows the pattern of the four Zenon volumes in the *Catalogue Général*, except that translations of relatively complete texts have been included. No deviations have been made from the manuscript of Edgar, but additions made by Guéraud and Jouguet have been printed in French, so that there may be no mistaking them. The indices are the work of Guéraud. Reference is made in the text to plates, which could not be printed because of the war. It is planned to publish these separately.

Of the fifty-three numbers in the volume, two represent combinations of fragments not belonging to the purchase of 1937. No. 59852 is *P. S. I.* 680 plus *P. Cair. Zen.* 59447, and 59853 is *P. S. I.* 376 plus *P. Cair. Zen.* 59415. No. 59848 comes from a purchase of the Egyptian Museum made in 1927. Of the remaining fifty, eleven texts complete or supplement fragments published elsewhere, in Cairo, Florence, or New York, and one (59821) is combined with an unpublished text from the collection of the British Museum, the only substantial group of Zenon papyri outstanding. The remaining texts vary from small fragments to complete and significant documents.

We are accustomed to expect that even a small new group of Zenon texts will contain something of interest, and this group is no exception. Its range is, in fact, unusually wide. No. 59801, while only a scrap, is the earliest known letter from Apollonius the dioecetes to Zenon, dating in 261/0 B. C. No. 59802 is an account of barley of, probably, 259 B. C., and belongs to Zenon's Palestine days; some of the animals concerned belonged to Tubias. No. 59809 and no. 59810 are bits of oil accounts which, one is tempted to say, reflect light on Apollonius' inspection trip of 257 B. C. Nos. 59814-18, addressed to Panacestor, show Zenon's predecessor at Philadelphia under fire, endeavoring to secure seed from Zoilus the oeconomos, whose promises were larger than his performance, and being warned by Artemidorus, Apollonius' personal physician, of the latter's displeasure. And at the other end of Zenon's connection with the estate, dated at the beginning of the reign of Euergetes, stands no. 59832, a remarkably revealing draft of a petition to the King, concerning debts owed to Apollonius "the former dioecetes," which the King was in process of collecting following the fall of that great man. We learn, incidentally, that Zenon had been discharged by Apollonius prior to his death or dismissal. Worthy of particular mention are nos. 59804, which completes *P. Zen. Col.* 3 without at all solving its difficulties, 59823, which shows Zenon collecting wax "to build the theater" (presumably for encaustic decoration), and 59825, an order for payment on the banker Artemidorus

in the form of a double contract, with the briefer, upper version showing signs of having been sealed. So far as I know, or the editors indicate, this is a unique extension of the double-document principle. Presumably the inner text could be examined by the banker at the time the draft was honored.

This is the latest of the publications of the Société, the work of which was interrupted by the war. Founded in the early 'thirties through the generosity of King Fuad I of Egypt, and receiving support and encouragement from his son and successor Faruk I, the Société has offered a center and encouragement for papyrological studies not only in Egypt, but all over the world. The pages of its journal, *Études de Papyrologie*, of which six volumes appeared between 1932 and 1940, have been open to scholars of all nations. In addition to straight publications of papyri, wherein A. E. R. Boak and Guéraud himself have done the most, it has published such valuable studies in the field as Grohmann's "Aperçu de Papyrologie Arabe" (Vol. I), Déleage's "Les Cadastres antiques jusqu'à Dioclétien" (Vol. II), and Hohlwein's two excellent summaries, "Le Blé d'Égypte" (Vol. IV) and "Palmiers et Palmeraies dans l'Égypte Romaine" (Vol. V). A new issue is in process of preparation. In the series of *Textes et Documents*, there have appeared Guéraud's masterly *Enteuxeis*, a collection of Ptolemaic complaints and petitions which offer a wealth of material to the social as well as to the legal historian, Guéraud and Jouguet's *Un Livre d'Écolier du III^e Siècle avant J.-C.*, the best preserved school book from antiquity, the eighty-nine texts of the *Papyrus Fouad I*, edited by a variety of scholars under the direction of Jouguet, and from another area, Vogliano's *I Resti dell' XI Libro del περὶ Φύσεως δι' Epicuro* from the Herculaneum rolls. The work of the Société is well known to all papyrologists, it is unnecessary to say. It is worth calling attention, however, to its importance for the student of the ancient world in general, regardless of his special field. With the resumption of work and contacts following the war, such institutions as this, which have, through geographical and political accident, been able to maintain a continuity and scientific integrity throughout, will take the lead in reestablishing that *Amicitia Papyrologorum* of which Jouguet used to speak and which was something more than a dream, and which seemed at one time destined to be the model for that visionary concept, a Concord of Scholars throughout the world. Scholarship is international, as our European colleagues always insisted. Let this not be forgotten in the postwar world.

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